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ABSTRACT

Focusing on land tenure patterns from 1860 to 1980, this study is a chronological socioeconomic interpretation of the history of northern New Mexico. Chapter One describes the development of the Pueblo Indian land use system prior to colonization. Chapter Two deals with the first colonial period (1598-1693) of land tenure in northern New Mexico. Chapter Three covers the Spanish colonial period after reconquest up to the independence of Mexico in 1821. Chapter Four discusses the historical period during which New Mexico was a part of the Republic of Mexico (1821-1848). Beginning with the cession of northern Mexico to the United States in 1848, Chapter Five describes the capitalist development of the area and the legislation that was passed during the next half century. Chapter Six analyzes the effects of capitalist development on the Pueblo Indians and on the Mexican agricultural communities of northern New Mexico. A bibliographical essay sets forth the criteria used in selecting reference materials for this report. (CM)

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Roots of Resistance

Land Tenure in New Mexico, 1680-1980

ROXANNE DUNBAR ORTIZ

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Dedication

In memory of Popé, Juan Gonzales, Tomisito and all the Indian and Mexican people who have struggled so long and hard for the liberation of their homeland; and in commemoration of the Tricentennial of the All Indian Pueblo Revolt of 1680 that signaled the birth of the culture of resistance in New Mexico which will continue until the land and the people are free.

About the author . . .

Roxanne Dunbar Ortiz is Director of the Native American Studies Center at the University of New Mexico in Albuquerque, on leave from California State University, Hayward. She received her Ph.D. in history from the University of California, Los Angeles in 1974 and her M.A. in Latin American history also from UCLA. As a recipient of a National Endowment for the Humanities Fellowship for 1980-81, she will be researching international human rights in reference to American Indians and other minorities at the United Nations in New York and later in Geneva.

Other books by Roxanne Dunbar Ortiz:

The Great Sioux Nation: An Oral History of the Sioux-United States Treaty in 1977

Economic Development in American Indian Reservations

Cover: "Malinche's shawl, Cochiti, New Mexico," (An embroidered woolen shawl worn by the Malinche of the Koshare dancers.)

From: *A History of the Southwest,* by Adolf F. Bandelier. *Supplement to Volume I, Reproduction in Color of Thirty Sketches and of Ten Maps.* Città Del Vaticano, Biblioteca Apostolica, Vaticana.

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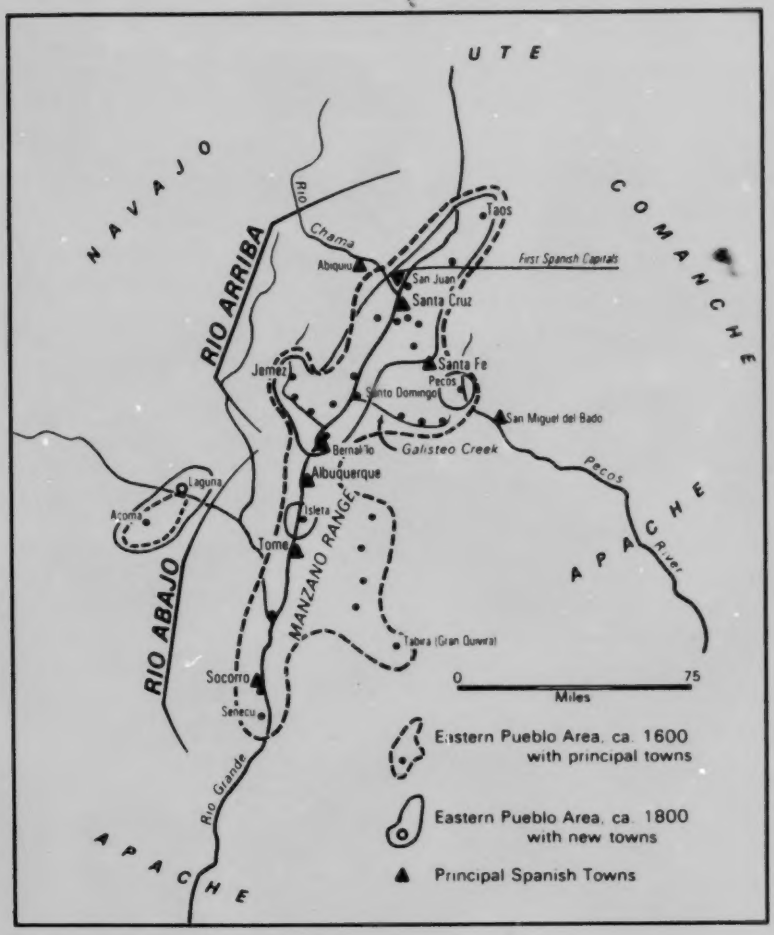

The Pueblos and the Spanish

From *Southwest: Three People in Geographical Change* by D. W. Meinig. Copyright © 1971 by Oxford University Press, Inc. Reprinted by permission.

Preface

This book has been long in the process of development. The idea for it began in September 1958 when I first visited New Mexico from my home in western Oklahoma. Like most visitors to New Mexico, I was amazed by the beauty and apparent magic of the land and the people. I visited New Mexico time and again over the years, always pondering the question as to why "they," the outsiders, could not leave it alone, let it be as it should be.

Then, in June 1967, headlines in the Los Angeles papers told me of the national guard occupying Tierra Amarilla. The people were fighting back again. I stopped off on my way to Oklahoma and talked with many people. Mexican friends asked me why Indian people did not support the land grant struggle, and I did not know what to say. Two years later I spent some time trying to find out if there was conflict, and if so, what was the basis of conflict between the Mexican and Indian peoples of New Mexico. Returning often, I could not identify the nature of the conflicts, though they clearly existed. As a doctoral candidate in History at UCLA, I decided to write my dissertation on the history of land tenure in northern New Mexico. Only through understanding the history, I believe, could the present be understood.

During 1973-74, I researched and wrote the dissertation, even entering law school to learn Anglo-American property law and water law. Since the acceptance of the dissertation in 1974, I have revised it six times in all, to produce this book. And since 1978, I have lived and worked in New Mexico — the book is greatly improved from the deeper knowledge and understanding I have gained.

All of the above is a backdrop to saying there is no way to acknowledge properly all those who have made this book possible. To thank each person by name would comprise another book. However, in addition to those acknowledged in my dedication, I must mention those who so generously gave their time, knowledge, and encouragement over the years.

First, the book would simply not have become a reality without Professor Juan Gómez-Quiñones, chairman of my dissertation committee, Norris Hundley, Jr., and Monroe Price, the

other members of my committee at UCLA. Dr. Myra Ellen Jenkins, the New Mexico State Archivist, and Dr. Francis Swadesh were extremely helpful to me in the early stage of my research, as was Phil Lovato of Taos. In doing the revisions, Simon J. Ortiz, writer and poet from Acoma Pueblo, his father, the late Joe Ortiz, and his brother Gilbert Ortiz, have given me insights and understanding of the Pueblo Indian perspective; in fact, they have untiringly educated me in hopes that my work would be useful for their people. Delfin Lovato, chairman of the All Indian Pueblo Council (AIPC); Frank Tenorio, secretary of AIPC; and Joe Baca, director of the All Indian Development Association have demonstrated to me the nature of the Pueblo struggle for land, water, and self-determination, and have helped me so consistently and generously. Herman Agoyo, director of the Tricentennial Commission for the 1680 All Indian Pueblo Revolt, has encouraged, taught, and trusted me; the Commission selected this book as one of the official publications of the Tricentennial.

I wish to thank other historian colleagues who have read and criticized parts or all of the manuscript: Leonard Pitt, Arrel Gibson, Antonio Rios-Bustamante, Tobias Duran, Devra Weber, and Carlos E. Cortés. In particular, I want to thank my tireless and talented editors, Rosa M. Martinez and James Young, for their patience and their care.

Yet, for all my gratitude to these friends, teachers, and colleagues, it is the unnamed ones who are most appreciated — who are most to be thanked — the elder Indian and Mexican women and men, the active and vital leaders among the people of New Mexico, the youth, particularly my beautiful and dynamic students at the University of New Mexico. Finally, it is their struggle that has inspired and strengthened me in my deep belief in the goodness of humanity and the necessary destruction of injustice and exploitation.

Introduction

Land tenure is primarily a legal concept, a mode of holding and occupying land.[1] This study is a socioeconomic interpretation of the history of northern New Mexico focusing on land tenure patterns and changes. Legal aspects, insofar as they influenced or changed socioeconomic relations, have also been considered. As an interpretative, historical analysis of land tenure in northern New Mexico, the study has several goals. The interpretation challenges one historical view of the indigenous peoples of New Mexico; a view expressed, for instance, by the eminent historian, Howard Lamar:

> In the picturesque mountain villages a simple folk culture and subsistence economy stubbornly persisted in the face of the great drive toward Americanization. Nearby, in their unique storied apartment communities, those grand masters of cultural isolation, the Pueblo Indians, exercised their own arts of living as if the white man did not exist at all. The Penitentes still thrived; the moradas and fiestas went on in Chimayo, Taos, and Arroyo Hondo; the priest remained a political as well as spiritual leader in Spanish-American lives. In the brown adobe villages, whether set amidst the azured hills or straggling along the muddy Rio Grande, time still moves imperceptibly. Without surrendering her traditions, nonetheless, Spanish-American New Mexico had come to accept — in the fifty-four years since American occupation — certain institutions and to identify herself with the national image. While a distinct people and a charmingly different region remained, the conquest begun so cockily by Kearny in 1846 now began to have a deeper meaning, for an invisible frontier of misunderstanding had at last begun to disappear.[2]

Contrary to Lamar's conclusions, a study of historical land tenure development reveals that the Mexican villagers and the Pueblo Indians were dynamic peoples, not static as they have often been characterized. As property owners holding land collectively and as irrigation farmers, they created social institutions which developed their leadership and self-government capabilities. With Mexican independence, a growing political awareness and drive for democratic institutions and equality within the Mexican nation produced increasingly assertive political involvement by the Mexican and Pueblo Indian farmers

in the national political process. They resisted United States conquest and assimilation which accounts for their survival as peoples today. Dispossessed of much of their land base, or of real control of it, in the case of the Indians, the indigenous peoples of New Mexico did not accept capitalist institutions which contradicted their fundamental democratic social and economic institutions.

Through land tenure history, a different perception of the Pueblo Indians emerges. Although profoundly affected by Spanish conquest and colonization, it was capitalist intrusion which threatened the survival of the Pueblos. The particular mode of United States colonization, or expansion of its capitalist system, required the taking of Indian lands which were flooded with European and Anglo-American settlers. From that base, states and institutions were formed. The Land Ordinance of 1785 propogated a national land system and was the basis for its implementation. The Northwest Ordinance of 1787, albeit guaranteeing Indian occupancy and title, set forth a plan for colonization establishing an evolutionary procedure for the creation of states in the order of military occupation, territorial status, and finally statehood. Statehood would be achieved when the count of settlers outnumbered the indigenous population, which in most cases required forced removal of the Indian people.

The United States created a unique land system among colonial powers. In this system land became the most important exchange commodity for the primitive accumulation of capital and building of the national treasury. In order to understand the apparently irrational policy of the United States government toward the Indians, the centrality of land sales in building the economic base of the United States capitalist system must be the frame of reference.

In northern New Mexico, the capitalist mode of production and development of land as a commodity came with United States conquest. Land had not been a commodity in the Spanish colonial system. In northern New Mexico, trade was active and vital but it remained a circulation of transportable commodities and little money circulated. The establishment of community land grants determined the basic land tenure development of the region. Land tenure based on cooperation characterized the poor communities of northern New Mexico,

while individualism and competition for material gain characterized the capitalist mode in the United States.

Certain elements must exist, and did exist in northern New Mexico, which laid the groundwork for the introduction of capitalist production.[3] The interim and necessary transition element is the presence of mercantile capital. During a period of primitive accumulation of capital or of mercantile capitalism, competition is active among the contending mercantile interests, ending in the ruin of many small capitalist, including the subsistent farmer who has been transformed into a petty capitalist, producing exchange value to survive in the money economy.[4] The money/credit system emerged in northern New Mexico through the already existing partido system of sheep raising, similar to agricultural sharecropping. With competition, a money economy, and credit, the elemental factors for the development of capitalist production and accumulation of wealth were present. Centralization or capitalization resulted by means of the distribution of capitals already existing or from an alteration in the quantitative grouping of varying parts of capital. Capital became concentrated in single hands and in corporations as it was withdrawn from many individual hands.[5] In the process of dispossession of the agricultural producers, a surplus labor force, a "labor army," emerges in the form of all the previous owners of the means of production and a resulting pauperism in the excess of that army.[6]

In capitalist agriculture evidenced in northern New Mexico, the increased productiveness set in motion by capital was accompanied by destruction of the laborers' individual vitality, freedom, and independence. The dispersion of the agricultural producers and the resulting social dislocation broke down their power of resistance. Capitalist agriculture is not only exploitative of human resources, but also of natural resources which are submitted to unplanned exploitation for profits.[7]

Primitive accumulation of capital, or mercantile capitalism, coupled with colonial domination played the role of divorcing the producer from the means of production in northern New Mexico. The expropriation of the agricultural producers from the land was required for capitalist development.

The history of land tenure in northern New Mexico provides a case study of the processes of colonialism and the

development of capitalism by looking at: (1) the processes of ancient land tenure and economics based on communalism; (2) the expression of early modern monarchical imperialism with Spanish conquest; (3) the development of a precapitalist self-subsistent village economy and land tenure; (4) the entrance of mercantile capitalism gradually asserting economic control over the agricultural producers who had been transformed by capital into petty capitalists; (5) the domination by foreign capitalists who began the process of expropriating the agricultural producers and came to monopolize land and resources; and (6) the entrance of industrial capital, backed by the national government, completing the process of capitalization of land and the transformation of the agricultural producers into wage earners.

Beyond the goals of dispelling stereotypes of Mexican and Pueblo Indian people in New Mexico, and providing a case study in capitalist development in a colonized area, the fundamental goal of this work is to shed light on the land question in northern New Mexico today. Two distinct economic attitudes toward land use and land tenure continue. The central issue is concerned with the particular type of landholding practiced by the precolonial Pueblo Indian communities and that which was colonially created in the settlements under the Spanish regime. Mexican village and Pueblo Indian land use are distinguished by the aspect of communal property ownership and use in contrast with capitalist private ownership, and are further characterized by the predominance of use value production in the former instance as opposed to production for market exchange in the latter.

Though both Pueblo Indian and Mexican village land use was subsistent prior to the entrance of capital, precolonial Pueblo land tenure differed qualitatively. Land was vested in the Pueblo as a whole and distributed to the members of the community with a system of equitable distribution of produce. This land tenure system was altered and influenced by Spanish customs and colonial institutions; the Pueblos in turn profoundly influenced the Spanish village patterns in New Mexico. Mexican land tenure patterns in northern New Mexico, then, were derived from a mixture of Iberian village customs and Mexican indigenous customs, Spanish colonial policies and practices, and were most fundamentally influenced by the indigenous Pueblos. The land tenure customs of the northern frontier

villages were a synthesis of cultural influences controlled institutionally by Spanish colonial regulations and policies and by the realities of the frontier.

The means by which the subsistent land tenure system of northern New Mexico was destroyed under capitalist control was through the introduction of mercantile capitalism, followed by monopoly capital supported by the United States government. In the process, the agricultural producers were effectively stripped of their means of production and transformed from the owners of the means of production to a laboring class — a surplus, cheap labor force, dependent on capital for their existence. Loss of land and the introduction of a money economy and money taxes dispossessed the agricultural producers. Though the Pueblo Indian communities retained possession of narrowed land bases under United States trust, they too were forced into wage labor for subsistence in a money economy. Much of their land was made unproductive by the diversion of water.

The development of capitalism in the region has roots in earlier times, of course. Trade was an important part of the New Mexico economy. In precolonial times, trade was barter or a circulation of commodities; even when the trade network became extensive with the rise of Mesoamerican commercial expansion, it was a precapitalist form of commerce, lacking centralization, monetary exchange, credit, specialization, mass labor, and the creation of surplus value associated with capitalism. Spanish colonial commerce was capitalist oriented, but precapitalist on the Spanish-American frontier, since commerce was centered in the mercantile cities of Spain and developed in the context of a decaying political economy. In northern New Mexico, trade remained precapitalist throughout the Spanish colonial period.

The Spanish colonial land tenure policy of merced or land grants perpetuated and strengthened subsistent patterns of land tenure and production. An important aspect of the community land grant was the inclusion of common pasture lands and common rights for using the land. As in the countryside of England before the development of industrial capitalism and the enclosures, the common lands were essential to subsistent agriculture in northern New Mexico. An authority on the English

commons has written: "Without these common rights, and the right of common pasturage especially, the peasant farming economy would have been wrecked."[8]

The United States government supported and sustained a capitalist political economy with centralization, organized markets, monetary exchange, specialization, and organized labor (slave and free), which created profits for individual capitalists and developing corporations in the nineteenth century. The prelude to this mode of modern capital first entered New Mexico with the mercantile capitalism of the Santa Fe trade during the Mexican period. Mercantile capital tended to transform the subsistent agricultural producers into petty capitalists, that is, producing for the capitalist market.[9] Mercantile capital introduced production for exchange, centralization of markets and credit into the northern New Mexico economy. With United States conquest the entrance of land speculators introduced capitalization of land. Sheep and land became the primary exchange commodities available to the farmers who were forced to compete on the capitalist market. Indebtedness brought land sales. Money taxes were imposed. United States government policy determined the expropriation of the common pasture land from the Mexican land grantees, removing their basis of subsistence. This phase of land tenure developed in the late nineteenth century. The period was marked by oligarchic political institutions and uncontrolled exploitation of land, resources, and labor by outside investors. The conditions thus were generated comparable to those created by exploits of capitalists, backed by their home governments, in other colonized areas of the world during the same period.

Mercantile capitalism and the entrance of colonial speculators played the role of divorcing the agricultural producer from the means of production in northern New Mexico. The expropriation of the agricultural producers from the land was the necessary basis for twentieth century capitalist development of land tenure in New Mexico.

In New Mexico, the current issues of land ownership, land use, control of mineral resources, taxation, timber and water, and the controversial uranium and atomic energy production have stimulated a need for an historical perception of land tenure in the area.

The geography of the region is itself a part of the prob-

lem. Northern New Mexico is a mountainous region, lying at the tip of the southern Rocky Mountain range. Three major river basins with eleven principal tributaries originate in the area. The Río Grande, Pecos, and Canadian Rivers flow from the region to Oklahoma and Texas/Mexico, and are directly affected by northern New Mexico's natural phenomena, as well as by the land use of the area.[10] Lowering of the water level at the source, either through lack of precipitation or man's use, can adversely affect distant areas. Therefore, the region is of strategic economic importance nationally.

Northern New Mexico is the region most densely settled by the Pueblo Indians and then colonized by the Spanish and finally by the United States. The region runs vertically along the Río Grande and fans out along the tributaries between Socorro, below Albuquerque, to the Colorado line, a three-hundred mile stretch. The irrigable land base comprises nearly a half million acres; the mesa land, suited for year-round grazing, totals over four million acres; and the mountain lands, summer grazing areas, comprise over eight million acres.[11] The area south of Santa Fe is commonly called the "Río Abajo," or the downstream region, and the area upstream, north of Santa Fe, is called the "Río Arriba." The two areas are physically different and have engendered variant land use patterns and social relations. The Río Abajo receives less precipitation both in rainfall and snow coverage and has been used for grazing more than for agriculture since Spanish colonization. The Río Arriba area was used in precolonial times for intensive hydraulic agriculture, and in colonial times livestock production, which required transhumant grazing patterns, was added.[12]

The entire area is one of arid and semiarid climatic conditions, "in which nature survives only by effecting a series of delicate balances, conditioned by temperature, altitudes, and moisture. It is a land full of risks and hazards."[13] Hydrology is necessary for agricultural production in the area. The irrigation water supply of the valley comes from the river and its tributaries rather than from underground supplies. The necessity for irrigation, with resulting social interactions arising from conflicts and cooperation inherent in the operation of the system, has contributed substantially to the formation of the social structures of the people of the region.

This study traces land tenure development chronologically, beginning with the development of indigenous Pueblo Indian land use system prior to colonization. Though the Pueblos had been in the Río Grande area approximately three centuries when the Spanish invaded, they were part of a larger socioeconomic network which had been using irrigation for agriculture in the arid southwest of the north American continent for twenty-three centuries. Hydraulic agriculture produced a particular set of social relations which were expressed in Pueblo ceremonies and social institutions. Never an isolated cultural entity, Pueblo communities had long been involved in trade with communities from the Pacific Ocean to the Mississippi River and to the valley of Mexico. At the time the colonialists arrived in the late sixteenth century, the Pueblo subsistent economy was closely related to trade and social interaction with the bison-hunting peoples who surrounded them. The ninety-three Pueblo villages were politically autonomous but similar in social structures, economies, ceremonies, and historical development. They were linked by their mutual dependency for their livelihood on the Río Grande and its tributaries.

The second chapter deals with the first colonial period of land tenure in northern New Mexico characterized by conquest and imposition of Spanish colonial institutions. The first long-term contact between the Spanish and the Pueblo Indians was the two-year stay of Coronado's army in the Río Abajo in the 1540s. The conquistadores previewed the seventeenth-century Spanish colonialism with their forced appropriation of Pueblo produce, women, and labor.

The colonization of northern New Mexico in 1598 was accomplished with a few hundred men including their families and servants. The conquistadores were Iberians born in Mexico; the servants were mulatos descended from African slaves and mestizos, as well as Nahuatl speaking Mexicans. The colonizers were soldiers and friars. The mission of colonization was aimed at the dual goal of enhancing and enriching the Spanish state and church as well as satisfying the personal ambitions of the colonizers. The seventeenth-century colony was parasitic economically, drawing its livelihood from Pueblo labor and captive Indian slaves. Spanish colonial institutions were applied, and the soldier-encomendero became lord over his assigned Pueblo vassals while the friars struggled for control of Pueblo

souls, supplies, and labor. A power play, competition over Pueblo labor and time developed, splitting the colonists into antagonistic factions. Spanish governors came and went. Each acquired whatever wealth he could eke out of the hundreds of captives working in sweatshops and through sharp trading practices with Indian traders as well as slave traffic. The situation was not unusual in the sixteenth and seventeenth century of Spanish colonial experience in America, but it was aggravated in New Mexico by the lack of mineral wealth available for extraction.

Settlers established estancias which may have been similar to those of the interior of Mexico about which more is known. They settled along the river, encroaching on Pueblo lands. The Pueblo revolt brought the colony to a quick end in 1680. Some years, at least twenty, of organization produced a unified offensive on the part of all but a few southern Pueblos and included the Hopis and Zunis to the west as well as Apache, Navajo, and Ute allies. Many low-caste people — mulatos, mestizos, and Indian servants — joined the revolt. The settlers were driven into exile to El Paso. Recolonization took thirteen years to accomplish.

The results of the eighty-year colonial rule were chaos and damage to Pueblo agriculture and society. A shrinkage of the Pueblo domain in actual number of villages and population resulted. Some Pueblo villages were abandoned and never reoccupied. Many Pueblos went to live with the Apaches and the Navajos in the mountains and on the plains.

The type of land tenure developed by the colonists during the first period of colonial rule cannot be documented because all records were destroyed in the revolt and none have been found in colonial archives which would indicate the land tenure patterns of the colonists. Colonial laws and institutions provided for integrity of indigenous villages and land tenure, and although these were apparently honored in a legalistic manner, they were breached in practice.

Chapter three covers the Spanish colonial period after reconquest up to the independence of Mexico in 1821. Spanish recolonization was debated as to its rationale and possibility. Spanish authorities, alarmed by French expansion to Spain's northern and eastern frontiers in North America, determined

that the northern frontier should be maintained for the defense of the wealthy mines of the interior. In order to maintain a colony it was necessary to quiet Indian resistance to their presence.

The eight hundred colonists recruited for the recolonization were a collection of soldiers, friars, Spanish born in Mexico from the central valley, settlers from Zacatecas, and many of the families who had been expelled from the earlier colony. None joined the colonization venture with a view of gaining wealth because the lack of affluence in the Río Grande area was well-known. The colony, then, was reestablished by settlers who were prepared to farm, raise livestock and support themselves. A number of the original families from the previous colony and a few from the new group came to be the political and social elite of the society which developed. They built their haciendas principally in the Río Abajo area. The local political authorities, the alcaldes mayores, were invariably drawn from the few influential families.

During the entire remainder of Spanish rule, the principal concern of the colonists was surrounding Indian resistance to their presence. Military expeditions to punish Indian communities for alleged raids and attacks on Spanish settlements, as well as expeditions with little pretext except to acquire booty and captives, were frequent. Pueblo Indian and other Indian soldiers were empressed into the colonial military and composed the majority of its forces.

A large population of Indians, along with mestizos and mulatos, who had been separated from their communities, lived in the barrio of Santa Fe called Analco. Colonial officials conceived a policy of settling these people, generally referred to as genízaros, on the frontier of the colony, granting them land in return for their building fortified villages and serving in the frontier militia. By the end of the eighteenth century, these settlements dotted the northern frontier of the colony. The settlers subsisted by agriculture, trade, raising flocks, and acquisition of war booty. Colonial officials pressured the settlers to build their homes around plazas forming fortified villages, which also provided them protection against attack, a policy counter to the settlers' tendencies to establish small ranchos near their fields or flocks.

The community land grants to genízaros and other

needy settlers, and the concentrated village settlement pattern not only expanded the land base of the colonial regime and held the frontier against Indian pressure, but also produced a particular pattern of land tenure and socioeconomic relations. The lowly and landless became independent farmers, albeit generally very poor, and settled in communities sharing common pasture land and water. The villagers developed social relations based, economically, on irrigation agriculture, sheep raising, and trade with neighboring Indian communities. The settlements, largely in the Río Arriba area, produced a distinctive land tenure pattern in the north in contrast with the more dominant hacienda settlement pattern of the Río Abajo.

Pueblo Indian population declined in the eighteenth century, partially due to epidemics, but also to outward migration. The Pueblo practice of expulsion of dissidents or dissidents choosing to leave the community, was a factor in the retention of Pueblo social integrity and strength. Those who left their communities could not build a new pueblo as they had done in the past but, rather, they fell into the genízaro caste. Despite repeated encroachments on Pueblo lands, Pueblo land holdings and land tenure were not radically altered in the eighteenth century. Pueblos developed a dualistic structure of Spanish institutional forms and continued to practice their own ceremonies secretly. Through exterior institutions, aided by their Spanish colonial advocates, they employed their right to petition, to fight encroachments, nearly always with some success. Community grant lands rarely came close to any Pueblos, so offenders were influential Spanish hacendados who had private land grants.

The use of the community land grant to settle the frontier transformed landless Indians and mestizos from a dependent class into a landholding class, producing an amalgamation of Pueblo and Spanish village land tenure and social patterns.

Chapter four is concerned with the historical period during which New Mexico was a part of the Republic of Mexico, 1821-1848, when the villages of New Mexico began to interact with their new national government. The birth of the Republic of Mexico created a new world for the Mexican villagers and Pueblo Indians of New Mexico, removing the Spanish colonial regime

and its repressive church and state controls. All inhabitants of Mexico became citizens and the legal caste system was abolished.

Mexican villagers and Pueblo Indians continued to go to the plains to trade and hunt buffalo, becoming increasingly dependent upon the produce from those activities. With the opening of the Santa Fe trade, their small scale trade was met with the competition of mercantile capital from the United States which gradually drew them into its fold. Similarly, the raising of flocks became an increasingly contractual pursuit, the partido ("sharecropping"), being used more than independent ownership with increased indebtedness to the owners of the flocks.

Foreign traders and entrepreneurs entered the area while the United States government was formulating policies designed to carve out the northern Mexican territory for acquisition. The elite of the colonial province began to emerge during the Mexican national period as an entrepreneurial class developing close economic and social ties with the foreign merchants. Merchants, artisans, and trappers entered northern New Mexico immediately with the opening of the Santa Fe trade, soon controlling that trade, altering New Mexico's economic relationship with Chihuahua to a relationship with St. Louis, Missouri. Taos, which was the port of entry between 1821-1846, became the headquarters of affluent traders and trappers who intermarried with the elite Mexican families of New Mexico and formed a small but powerful clique known as the "American party." The foreigners were able to acquire land grants by forming partnerships with Mexican citizens, permitting members of the Taos clique acquisition of vast land holdings.

Class conflict in New Mexico became very sharp in 1837 when the conservative faction gained control of the national government in Mexico and attempted to impose taxation, an outsider as governor, and a departmental system of government in New Mexico; in effect, stripping the area of local authority. Members of the governing elite of New Mexico were incensed but did not act. However, Pueblo Indian and Mexican villagers of the Tewa Basin in the north revolted, formed a new government, executed the unpopular governor and his staff, and ruled from Santa Fe for nearly six months. They presented a coherent

program for a reorganized local government and demanded that the national government withdraw its proposed plan. They never suggested secession from the Republic of Mexico. The revolt, which was crushed by the New Mexico elite, revealed a growing political consciousness on the part of the villagers. Its suppression revealed the class consciousness of the elite who had no intention of allowing popular rule in New Mexico. These same patriotic forces resisted United States military occupation in 1846. All but two villages in the north declared for resistance. The United States military governor and members of the American party were killed, land grant papers were destroyed, and foreigners throughout the north were attacked. The New Mexico elite joined with the United States military and volunteers from the American party to crush the resistance.

Chapter five begins with the cession of northern Mexico to the United States in 1848 with the Treaty of Guadalupe Hidalgo. United States military rule was replaced by territorial rule under the United States colonial policy spelled out in the Northwest Ordinance. Under treaty obligation to protect the property and rights of Mexican citizens in the conquered territory, the United States established a procedure which caused delayed settlement of land titles. During a half century of political oligarchy, capitalist entrepreneurs entered the area and obtained titles to land. Lawyers posing as representatives of the villagers took land as payment of fees. In general, land became a substitute for money for the subsistent agricultural producers in the growing money economy. Their only other marketable item was sheep.

When Congress did act to settle land titles, strict legalistic guidelines were drawn and equitable rights of the villagers were excluded. Legal procedures were lengthy and expensive. The most important policy which emerged was the denial of community ownership of the common pasture lands. These lands were declared public domain and thrown onto the market for homesteading, thereby dooming the future of the Mexican villages so dependent on pasture lands for their flocks.

The final chapter is an analysis of the effects of capitalist development on the indigenous Pueblo Indians and on the Mexican agricultural communities of northern New Mexico. Once practically merged politically under the Mexican state and

an integral part of its revolutionary development, the Pueblo Indians and Mexican villagers became separated politically by United States colonialism and capitalist development. The crushing of Navajo and Apache resistance by the United States military ended centuries of dynamic interaction which the resistance of those fiercely independent peoples provided. The necessity for the Pueblos to win United States trust protection segregated them from general developments until recent years. In the past twenty years the revival of the land and water rights issues by all the colonized peoples of New Mexico has brought renewed contacts and both unity and conflict.

United States conquest of former Spanish colonies in the second half of the nineteenth century is not a subject that has produced extensive historical analysis. The military seizure and colonization of half of the territory of the Republic of Mexico has elicited the least interest and is often glossed over as part of the "natural expansion" of United States capitalism. However, the indigenous peoples of the region have not forgotten that they were conquered and that they have human and legal rights despite the fact that they are now minorities in the area seized. Hopefully, this study will provide a basis for better understanding their situation and how it has been affected by United States monopoly capital.

1
Precolonial Land Tenure

Precolonial Pueblo Indian land tenure can be delineated from four sources: the precolonial patterns that have continued to the present; archeological evidence from precolonial settlements that were abandoned; early Spanish observations; and Pueblo stories. Irrigation is key to understanding the development of Pueblo land tenure and social system. Since Pueblo land use was based on hydraulic agriculture, the remains of irrigation systems indicate the technology and development through time of Pueblo land use patterns. Pueblo land tenure was based on intensive irrigation farming of the typical indigenous agricultural produce: corn, beans, and squash, all in many varieties. The social structure of precolonial Pueblo society reflected the demands of intensive agriculture and the maintenance of irrigation works. Based on nonkinship associations, with a religious superstructure intimately related to agricultural seasons, Pueblo ceremonies and land use were inseparable.[1]

At the time of Spanish invasion of Mexico, the Río Grande Pueblos were autonomous villages. However, in earlier times they were part of a larger socioeconomic context. They were descendents of and heirs to the earlier "Mogollon," "Anasazi," and "Hohokam" (so-called by anthropologists) civilizations to the west and southwest of the northern Río Grande Valley. Most of the communities were abandoned at the peak of their development in the thirteenth century. The main center of population moved east and built smaller communities in the Río Grande area.[2] The larger political and economic area of these previous communities extended south to the valley of Mexico and included the present northern interior of Mexico. Encompassing the area from the Pacific Ocean to the Great Plains, as far east as the present state of Kansas, the total area included 170,520,470 square miles of territory and was considered the northern frontier of central Mexico by precolonial Mesoamericans and later by the Spanish colonialists.[3]

The practice of agriculture on the northern frontier preceded the innovation of irrigation technology. Cultivation of corn was introduced to what is now eastern Arizona and west-

ern New Mexico around five thousand years ago. A thousand years later, beans and squash were added and after another ten centuries, cotton was being produced.[4] After many centuries of dry farming, approximately two thousand years ago, the Hohokam communities began building irrigation works, probably introduced from central Mexico. The transmission may have occurred first along the southern boundaries of the northern frontier, where the Teotihuacán government had built fortresses to check the thrust of the northern hunting peoples.[5]

Since precolonial times, the peoples of the northern frontier have exchanged influences with the south. By thirteen hundred years ago, around half the population of the northern area were involved in agriculture; some communities became commercial centers functioning as contact areas for merchant houses from central Mexico. Archeological evidence indicates Toltec influence in the northern area dating back eleven hundred years.[6] The period was marked by the expansion of the turquoise industry in central Mexico.[7] Merchants acquired turquoise in the north to sell in central Mexico where turquoise was almost nonexistent, but where it had become the most valued of all material possessions and was used as a means of exchange or a form of money.[8]

In relations with southern society, religion and trade were joined. Around nine hundred years ago, the communities of the north appear to have been influenced by the oppressive Quetzalcoatl cultists of central Mexico, who had begun to exploit turquoise mines at Cerrillos near the Río Grande in northern New Mexico. Other commodities were also sought, including salt, and increasingly, captives who could serve as sacrificial victims in religious rituals for the unpopular theocracy in the valley of Mexico.[9]

The Mesoamericans who went to the northern frontier probably became influential by a process of "fostering islands of exploitable cultures in various areas of indigenous traditions, perhaps controlled by powerful Mesoamerican family organizations devoted to merchandising."[10] Their influence caused profound changes in the north. Mesoamerican influence was still apparent in New Mexico when the Spanish explorers arrived in the sixteenth century. At Pecos Pueblo, Nahuatl was

spoken.[11] Spanish explorers reported that the language of central Mexico was spoken by people all over the northern area.[12] The northern frontier, then, was a precolonial economic and social unit closely connected with central Mexico. It remained so under Spanish colonial control, and with Mexican independence it was an integral part of the new republic.

Precolonial times were subject to change brought about by both socioeconomic conditions and the physical environment. At the peak of irrigation agriculture in the area of northwest Arizona and southwest Colorado seven centuries ago, the area was abandoned. Most of the communities had moved to the Río Grande area. Explanations for the abrupt desertion of those apparently stable agricultural communities and relocation to northern New Mexico are many.[13] Most students of the precolonial era assume that prolonged drought in the thirteenth century contributed in large part to the abandonment. The importance of the drought factor has been challenged and the desertion of some areas may have resulted from military attacks by hunting peoples.[14] But there is little archeological evidence or oral history of widespread and effective warfare against the agricultural communities. The Acomas account for the abandonment in stories that tell how the people had overused timber and denuded the forests, causing erosion of the land.[15] The combining factors of drought, resource depletion, erosion, warfare, and possibly disease may have served to aggravate unrest and intervillage and intravillage conflicts.[16] The relocation occurred concurrently with power struggles in central Mexico during the rise of the militarists sun worshipping cult. Casa Grande, the large commercial center of the northern frontier, fell during the time of those struggles and surely was an important factor in the abandonments.[17] Negative factors alone may not account for the move. The northern Río Grande area was an attractive location for irrigation works and intensive agriculture, and it was the source of the major reserves of turquoise and salt in the larger Mexican area.

The introduction of hydraulic agriculture to the arid lands of the north, and the parallel existence of a large trade network, transformed the frontier societies. Though Mesoamerican religious and language influence is apparent, the major lasting influence from the south was economic. With the

demise of the commercial centers and chaos in central Mexico, the development of the autonomous Pueblo communities in New Mexico represented a breakdown of a more centralized socioeconomic structure. When the Pueblos moved to the Río Grande, they built irrigation systems and communities much like the ones they had abandoned. They brought with them also knowledge of centralized social, religious, economic, and political structures greater than what they appear to have developed in the northern Río Grande area. However, the tendency toward political centralization never ceased, as evidenced by the unified Pueblo explusion of the Spanish in 1680 and the existence, even to the present, of the All Indian Pueblo Council.

The people of the northern frontier were not unusual in their attraction to arid land, nor did they simply "adapt to their environment."[18] Rather, irrigation agriculture transformed arid regions. The "strange fascination of arid lands to early man" has been noted.[19] The pattern existed on all continents where arid margins, cut by rivers, were chosen for development over better watered regions. In such areas worldwide, a pattern of rise and fall of civilizations and abandonment of communities were common.

Archeological remains reveal a great deal about the extent of irrigation practice, the technology employed, and the time period of development and use in the northern frontier area, but the type of socioeconomic structure is not fully indicated by the technology. Certainly, the development of irrigation, as well as transformation of the landscape, signified a qualitative change in the relation of man to land.[20]

The plants which came to dominate indigenous agriculture in the Western Hemisphere were summer growing: Corn, squash, and beans could not tolerate more than twenty to thirty days without water and even less time in high temperatures.[21] Prior to the use of irrigation canals, stone alignments forming terraces were constructed across natural drainages. These "check-dams" decreased erosion and stored water.[22] For many centuries check dams were used on the Colorado plateau. More than nine hundred of these dams have been located in southwestern Colorado representing only a tiny fraction of the total built by the Mesa Verdian communities over the centuries.[23]

Irrigation agriculture, the period denoted Hohokam by anthropologists, appeared around two thousand years ago,

modifying the landscape radically and transforming land use. Some canals were thirty-five feet wide and thirteen feet deep.[24] The main canal in the Mesa Verde region was over four miles long.[25] The "Snakestown" canal at Pueblo Grande, Arizona, was begun around 1,200 years ago and was used up through the abandonment of the communities in the area 500 years later. A great many canals were built in the late twelfth and early thirteenth centuries. At least a part of one of the excavated canals is distinguished by a lining which would have made it waterproof.[26]

The irrigation systems required extensive and long-term planning, construction, and maintenance, indicating highly organized community control. The fact that several villages used the same canal indicates necessary intercommunity cooperation.[27] Considering the extent of the systems, it is evident that the Pueblos expended substantial energy in building and maintaining the irrigation system, and that their political economy was built on the all encompassing economic imperative of assuring adequate supplies of water.[28]

Intensive irrigation agriculture undoubtedly brought about a particular orientation of the northern Río Grande Pueblos. The continuing day to day tasks necessary for hydraulic agriculture rendered clan organization alone inefficient.[29] The Pueblos developed nonkinship associations, thereby, in a remarkably democratic fashion, mobilizing a large free labor force for production. The organizational framework was also useful for many community operations. Ceremonies coincided with agricultural seasons and provided celebration of work well done as well as appreciation to the earth, the sun, and the rain.

An investigation of irrigation agriculture must include the element of conflict as well as cooperation. The complex relations inherent in a system of water distribution where water is scarce also has an implicit potential for disruption.[30] In a study of modern Teotihuacán (Mexico) irrigation practices, the authors observe:

> An irrigation system establishes relationships among individuals and groups which are simultaneously relationships of interdependence and potential antagonism, stemming equally from the need for constraint imposed by cooperation and coordination. The necessity for an ordered, predictable system of water allocation has divisive as well as cohesive potentialities.[31]

Communities practicing irrigation experience similar forms of conflicts, the most common being upstream versus downstream users. The system functions on an emergency basis, creating tension and crises. Since the very objective of a regulatory system is to provide for all contingencies, the irrigators must be prepared for failure of the system and even for disaster. Climatic variation must be accounted for in planning.[32]

Like other societies using irrigation systems, the Pueblos innovated controlling customs, or customary law, rather than codified law. Customary law affects all aspects of such a society, not only its irrigation works. The implications of such controls could explain the strong defensive, as well as conciliatory posture of the Pueblos under colonialism.

Within the dialectic of conflict and cooperation of Pueblo society, certain conditions arose which stimulated both conflict and resolution of conflict and, consequently, socio-economic development. The specific physical conditions of arid northern New Mexico require abundant snowfall for recharging the river water supply and for moisture cover on the fields. Variations in the amount of total snowfall in a particular winter may cause either a shortage of water or, conversely, damaging floods and deposits of silt.[33] The small amount of rainfall received is an important aid to the irrigators, but the kind of localized storms which occur in the region preclude an equitable distribution of rain water on all fields. Such storms also destroy crops in their paths while other fields are spared. Similarly, floodwaters damage crops inequitably both within a particular community and among the many communities. Wind, by evaporating ground moisture, and hail also destroy crops, striking some fields and not others. Other natural occurrences, such as grasshoppers and wild animals, strike unpredictably and inequitably. Given the variable and unpredictable contingencies, the system of controls had to be structured to provide for extreme and not normal or average conditions. For instance, the Pueblo practice of expelling dissidents had the effect of maintaining a stable system. Forced abandonments were also built into the system.

Natural phenomena, as well as inevitable breakdowns in the functioning of the irrigation system, served to trigger intra-Pueblo and inter-Pueblo conflict and violence. Before entering New Mexico, Spanish explorers heard of and reported

conflict among the Pueblo communities. When Coronado's army attacked the Tiguex Pueblo, it was claimed that residents of Pecos Pueblo came to Coronado to offer their aid in hopes of receiving some of the confiscated lands of the rival Tiguex Pueblo on the Río Grande.[34] In questioning the Zuñis, Coronado was reportedly told that the people of Acoma Pueblo were regarded as "robbers feared throughout the land."[35] The chronicler, Castañeda, commenting on Pecos Pueblo, stated: "The people of this town pride themselves because no one has been able to subjugate them while they dominate the Pueblos they wish."[36] Another Spanish explorer claimed that he was informed of the Pueblos pulling up the ladders to their rooftop entrances at night because they were at war among each other.[37]

Since all the Río Grande Pueblos did not speak a common language, it is assumed that inter-Pueblo conflicts followed linguistic lines.[38] Such conflict may better be explained by ongoing and inherited rivalries concerning water distribution, common in agricultural areas where a number of villages use the same water supply. Even with elaborate control mechanisms, violence lies below the surface.[39] Rivalries and disputes originating with water distribution were probably carried on from generation to generation even when the original cause for conflict no longer existed.

Certain factors tend to revive old quarrels and create new ones. The inequitable distribution of risks allowed one village or even one farmer within a village to reap an abundant harvest while another would experience failure.[40] In times of drought it is possible that the community's internal mechanism for control was often rendered ineffective.[41] The formation of factions within Pueblos and rivalries between various villages led to war between communities and expulsions or abandonments within particular towns.

Conflict is historically joint with mechanism for resolution. Resolution of inter-Pueblo conflicts included diplomacy and warfare. The means of control within each Pueblo were many. No central authority within a Pueblo was empowered to distribute resources. Since Pueblo society did not produce an elite based on material wealth, it must be assumed that production and distribution of resources were organized by some other means. Pueblo ceremonies reveal an equalization process which

worked to minimize or resolve conflict, curb accumulation, and prevent want.

One means of equitable distribution within a community was the custom of paying for services in food. Also, family feasts included less fortunate family and clan members. When people planted the fields of the elected village officials, the workers were treated with a meal. Of course, those who would volunteer to do the planting would be those who had need at the particular time. Gifts of large amounts of food were ceremonially presented to the gods by those who had excess, and later they were distributed in the community to those who had need.[42]

The lack of personalized or institutionalized authority in the process of food redistribution avoided anyone having to beg and prevented any family, official, clique, or individual from becoming powerful in controlling the food supply. Distribution from individual family stores occurred on various scheduled ceremonial occasions such as agricultural ceremonies, and during nonscheduled occasions such as birth, initiations, marriage, illness and death.[43] No wealthy class or impoverished group could therefore develop.

Wild game supplemented the diet during the winter when food supplies were more limited. One early Spanish observer reported:

> When the Indians go hunting, the chieftain in charge of this activity goes through the Pueblo calling like a town crier, and those who are hunters go out together. All the game that they get they distribute equally, except the skin, which belongs to the one who kills the animal.[44]

Hunting was another means of equitable distribution since anyone could go hunting, and anyone could call together a hunting party; membership in an association was not required.[45]

At the end of winter, the leanest time, when the wild animals had migrated and spring plants were not yet ready for harvest, scheduled ceremonies began and were most numerous. Gifts of food and shared feasts mark such occasions. Ceremonies in Pueblo society serve the function of assuring equitable distribution of produce as well as promoting community activity and sharing. "Though rites are intended to control the spirits behind the natural environment variables, these ceremonies have the ecologically important latent function of prying surplus

from household units for use by others."[46] Since disaster could strike any farmer at one time or another, the acquisition of food in this manner would not indicate social embarrassment.

In extreme crises, organized emergency methods were employed, the ultimate being abandonment of the village. Disease, drought, and warfare were the principal extreme crises. With the invasion by Europeans, new crises arose. The Pueblo food production was ample, surpluses averaging around 15 percent or two months supply for the community.[47] However, the intrusion of a parasitic element greatly decreased Pueblo food stores. A Spanish soldier's testimony in 1601 indicates the seriousness of the colonial expropriation of Pueblo resources:

> The soldiers go in groups of two or three and come back with the maize for their own sustenance. The Indians part with it with much feeling and weeping and give it of necessity rather than of their own accord. If any kernels fall on the ground, the Indians follow and pick them up, one by one. Some of the Indians, men and women, who formerly lived at this Pueblo where the camp now is, remained there and bring wood and water for the Spanish, so that the latter would give them some maize.[48]

This, then, was the beginning of colonial dependency which set in motion the process of underdevelopment of the indigenous society.

The agricultural surplus of the Pueblos had allowed for their trade with the bison-hunting peoples. Trade goods from the plains had become an integral part of the Pueblo economy by the sixteenth century. Persistence of the commerce with other Indian peoples was noticed by early Spanish explorers to the area.[49] Fray Marcos de Niza, in Sonora, recorded accounts of local people who referred to communities to the north having houses with flat roofs and many stories. These people were said to be settled along the banks of a large river where there were many enclosed Pueblos, and at times wars were waged among them. Also, a great amount of turquoise was brought to Sonora from the Pueblos of the northern Río Grande. The people of Sonora sometimes travelled to work in the northern Río Grande area, "like day laborers in Castille," and returned to Sonora with turquoise.[50] In 1530, Conquistador Nuño de Guzmán reported stories from his Mexican servant who told him of large Pueblos to the north. The Mexican claimed to have been there as a small

boy on a trading expedition.[51] By the middle of the sixteenth century, with Spanish explorers entering New Mexico, and with the disruption of Mesoamerican markets by Spanish colonial intrusion, the number and frequency of such trading parties in the larger northern country was reduced.

Río Grande Pueblo trade had been shifted toward the Plains bison-hunting peoples by the sixteenth century. The Plains peoples transported surplus meat and hides by dog teams to the Pueblo villages where they would often live through the winter.[52] Pueblo relations with the hunting peoples took a variety of forms which often appear contradictory. The Navajo and Apache people were Athabascan migrants to the northern Río Grande area, having come from the subarctic region perhaps as early as the ninth century or as late as the sixteenth century. Spanish documents provide contradictory accounts of relations between the hunting peoples and the Pueblos. Various Pueblos were reported to have told Spanish explorers that the Athabascans had invaded Pueblo territory from the north (around 1525), but failed to conquer them and had instead established friendship and trade with them.[53] Castañeda wrote of the period during Coronado's stay in New Mexico:

> These Teyas (Apaches) knew the people in the settlements, and were friendly with them, and they went there to spend the winter under the wings of the settlements. The inhabitants do not dare let them come inside because they cannot trust them. Although they are received as friends, and trade with them, they do not stay in the villages over night.[54]

Many students of New Mexico history maintain that Pueblo land tenure and even Pueblo survival were acutely and adversely affected by Apache and Navajo raiding and warfare, which was to have disrupted Pueblo agricultural production, depleted supplies and forced abandonments of villages. These explanations are often cited as justification for Spanish conquest of the Pueblos in that the Spanish are said to have saved the Pueblos from annihilation by the Athabascans.[55] Yet Pueblos frequently went to live with the Navajos and Apaches during times of crisis, and the hunting peoples wintered with the Pueblos.[56] Close contact brought intermarriage and family ties. There is ample evidence in documents and oral history to show that the two peoples were not enemies with the peaceful Pueb-

los, the victims of Athabascan raids and attacks. Apache and Navajo allies to particular Pueblos did participate in inter-Pueblo warfare and may have done most of the fighting.[57]

Acquisition of horses and increased trade with the arrival of settlers from New Spain increased the mobility of the hunting peoples. New conflicts developed between the Pueblos and the Athabascans when the Pueblos were colonized by the Spanish and were used as conscript soldiers to fight the Navajos and Apaches.

When Spanish explorers came into contact with the Pueblos of the northern Río Grande, there were ninety-two villages in the river drainage area with an estimated total population of 100,000.[58] The half century of occasional Spanish contact with Pueblos produced a body of literature some of which was used as propaganda in Spain and other parts of the Spanish empire to attract colonists to the area. Baltasar Obregón publicized the "civilized" nature of the Pueblo people. In terms of clothing, the nature of their settlements, and types of dwellings, Obregón rated the Pueblos the most "civilized" of all known regions of the Indies. To Obregón, even the women compared favorably with the women of Castille. He was particularly impressed with the monogamous marriage practice of the Pueblos. He also wrote of Pueblo "docility" and "susceptibility to conversion."[59] On this latter point, the Spanish settlers and friars were surely disappointed when they became better acquainted with the Pueblos and experienced their lack of docility.

The impact on the Pueblos of the initial Spanish incursions, prior to military conquest and colonization, is difficult to assess. Though it appears that Pueblo land tenure was not directly affected by the intrusion, internal disruptions occurred.[60] Coronado's army, some three hundred soldiers with additional numbers of Mexican servants, required the Pueblos of the Río Abajo to furnish them with food and clothing. Women were abused and raped and when the Pueblos resisted, they were murdered and their homes and crops were burned. Other explorations were also military in nature but some were merely exploratory and were not marked by violence.[61] But, the fifty year period of Spanish incursions into the area set the stage for colonization and previewed many of the exploitative patterns that were to follow.

2
Colonization and Pueblo Land Tenure, 1598-1693

The colonization of New Mexico resulted from the continuous northward movement of those explorers, traders, missionaries, miners, and cattlemen who had established Zacatecas in 1546, Durango in 1563, and opened the silver mines of Santa Barbara and other northern mining sites before 1580. At first they had ventured beyond the mining area in search of more mines and for slaves to work them; thus the northern Río Grande area was well-known, and there was no difficulty recruiting for colonization. This colonization was essentially a business venture with profits anticipated in the form of tribute and resources.

Prospective colonizers offered bids for a contract with the Crown to settle a proposed area. The bidder promised a substantial personal investment as well as accepted the responsibility of recruiting soldier-settlers who in turn contracted to contribute material goods to the venture. Don Juan de Oñate, who won the contract to colonize New Mexico over other wealthy bidders, offered to recruit two hundred fully equipped men, supply around seven thousand head of stock, and provide all supplies necessary to establish an initial settlement. Of the 130 soldiers who were selected, about an equal number were born in Spain and in various parts of New Spain, particularly Zacatecas. There were several non-Iberian Europeans, and a few men from other parts of the Spanish empire. Most were fair skinned, with light hair and beards. Some were young and single, but many brought with them families, servants, and even their own personal soldiers.[1]

Significantly, the Mexican servants were converted Nahuatl-speaking captives, but their numbers are not known; since they were not included in the muster, they may have outnumbered the soldiers. In any event, they were numerous enough so that by 1610 the Barrio de Analco was established for

pg. 26. blank

them in Santa Fe. They were referred to as Tlaxcalan, a term derived from the Nahuatl-speaking town which had allied itself with Cortez in the colonization of Mexico. In New Mexico they were employed as servants, day laborers, and army auxiliaries.

From the first, family wealth and prestige were important in the colony. Oñate probably won the colonization contract through the influence of powerful friends with interconnected families and fortunes. Oñate's father was one of the original Basque entrepreneurs involved in opening and exploiting the Zacatecas mines, and his recruits included a number of relatives and descendants of conquistadores whose families still constituted a powerful elite. In addition to profits, social status was expected to be enhanced through the grant of noble titles. Oñate requested that the title of hidalgo be bestowed on the soldier-settlers, with the same privileges as the title held in Castille. In July 1602, a royal cédula confirmed the grant of this title, along with the privilege of inheritance. The social consciousness of future generations of New Mexicans would continue to be affected by this act.

The particular military mode of Spanish colonization is indicated by the contractual obligation that barred soldier-settlers from leaving the colony settled. Upon abandonment of the agreement, the soldier-settler was legally considered a deserter from the army. The combination of a military and religious mode in Spanish conquest presents a feudalistic image. However, unlike the medieval European crusades, the mode of Spanish colonization was explicitly commercial.

Having arrived in the new country, the colonizers used two methods to gain control of the Pueblos: extreme, exemplary violence to intimidate and create an illusion of power; and manipulation to promote divisiveness so that unified resistance would be more difficult. Whereas the colonizers were familiar with indigenous Mexican battle techniques which were similar to those of the Pueblos, the Pueblos had no such knowledge of European military practices. However, they had been aware of the conquest of Mexico and its results, and had devised some defensive measures based on their long-practiced emergency techniques.[2]

Exemplary violence was employed very early, in the "battle" of Acoma. In November 1598, three months after the main body of colonizers had settled at San Juan Pueblo, some

soldiers were killed at Acoma. A month later, a contingent of seventy colonial soldiers set out to punish Acoma for the incident. After several days of assault, the defending Acomas were defeated and some five hundred men and three hundred women and children were left dead.[3] In dealing with the survivors, the Spanish set a further example. They assigned the Acoma captives a defense attorney who was charged to do his duty upon the pledge of "his own person and property." Of course, the prisoners pleaded guilty to the charge of treason and were convicted. Oñate himself imposed the sentences: All males over twenty-five were sentenced to have one foot cut off and to serve twenty years in bondage; males between the ages of twelve and twenty-five years and women over twelve were sentenced to twenty years of slavery; young girls and boys were given to missionaries who were to supervise their distribution "in this kingdom or elsewhere."[4]

Most of the people of Acoma who were committed to servitude managed to escape, however, and the greatly reduced community was reestablished on the mesa by 1601.[5] The colonizers themselves viewed the Acoma massacre as an example that would indicate the high cost of resistance to the other Pueblos. Officials noted increased docility, but they had in fact set the stage for resistance.[6]

Divisiveness was promoted with the initial settlement. When Oñate decided to settle the colony among the Tewas at San Juan, he was aware of the fierce resistance of the southern Tewas, the Tanos, and some of the Keres villages to the abuses of earlier Spanish military expeditions. He knew that each Tewa village had submitted to Castaño de Sosa by giving obedience to the king of Castille, and from the reports of earlier expeditions, he was aware that they usually produced large surplus crops.[7] The colonizers removed the inhabitants from the Pueblo and appropriated it, along with its irrigated fields and the labor of the displaced San Juan people.[8] The unwelcome presence of the colonizers brought the first Apache and Navajo attacks, as well as hostility from other Pueblos against San Juan. By 1610 the colonists had relocated, probably as a result of Navajo attacks, and established the Villa de Santa Fe; but the people of San Juan never reoccupied their Pueblo after the Spanish had lived there for twelve years.[9]

Another division was created by the establishment of missions in some Pueblos, leaving the ones without missions more independent. The use of Pueblo soldiers as auxiliaries in the colonial army, however, was the most disruptive technique used by the colonizers. The employment of Pueblo soldiers and alliances with a particular Pueblo against another were of primary importance in making Spanish colonial domination possible.[10]

The policy of "divide and rule" had been recommended by Obregón in 1585: "Advantage should be taken of the enemy by setting those of one district against the opponents of another."[11] Very early the colonizers impressed Tewas into their ranks, thereby alienating them from nearby Taos, Picuris, and Jemez, and from the Apaches with whom they traded. Later the same method was used in other districts, leaving the Pueblos in the position of having the choice of campaigning against the Apaches or revolting against the colonizers. As Forbes notes, "in either case they faced destruction, for the Europeans were strong enough to destroy them but too thinly spread out to defend them adequately."[12] One official report states that the leaders of Acoma and their Apache allies were threatening to attack the Pueblos of Zia, Santo Domingo, and San Juan because they had not resisted the Spanish.[13] The conquest of the many Pueblos by a few soldiers with a slight technological advantage involved a complex pattern of colonial domination developed during a century of prior conquests in America.

The Pueblos were not the only source of resistance to the Spanish. In 1601, Oñate himself had crossed the plains and had encountered the Apache bison hunters, reporting that he was not bothered by them. But the Navajos were, from the first intrusion of the Spanish, totally opposed to the colonizers' presence and pressured the Pueblos associated with the colonists to resist. Campaigns were carried out against the Navajos by the Jemez encomendero in 1606 and 1607, which brought Navajo retaliations. As early as 1609, instructions from Viceroy Velasco indicate that the underlying reason for attacking the Navajos was their provision of refuge and shelter for resistant Pueblos and the secret meetings that were held in the mountains to plan the overthrow of Spanish rule.[14]

Regular Spanish slave raids, using conscripted Pueblo soldiers, prompted Plains Apache attacks more than any other

factor. In 1627, Fray Benavides reported that a group of Apaches who had gone to Santa Fe for food were attacked on the governor's orders and taken as slaves "to sell in New Spain."[15] This contrasted greatly with the precolonial pattern whereby Apaches traded Caddoan captives to the Pueblos, and Apache captives taken by Caddoans were traded further east.

Spanish slave-raiding noticeably increased around 1650. Franciscans charged Governor Bernardo López de Mendizibal with sending "squadrons of men to capture the heathen Indians to send them to the real and mines of El Parrall to sell as he (the governor) is doing at present, he having sent there more than seventy Indian men and women to be sold."[16] The governor, however, accused the Franciscans of selling captives at El Parrall as well.[17] At the time of Mendizibal's arrest by the inquisition, he personally owned ninety Apache slaves which his enemies claimed he had captured from friendly Apaches coming to trade, not in battle. Mendizibal's successor, Diego de Peñalosa, sent Apache children to Mexico as gifts for his friends. The attacks and counterattacks of civil and church officials were difficult to prove because enslavement of unconverted Indians who attacked colonists was legal. Apache resistance increased with the raids and they attacked the Spanish settlements. The Spanish, in turn, seized upon Apache retaliations as excuses for new campaigns against them, and in the process acquiring more slaves for sale and use.

Although the Spanish were unable to exploit directly any Pueblo group other than the Tewas, by the time of the founding of Santa Fe in 1619, they had a number of institutional methods available for organizing the land and labor of the Pueblos as their influence increased. The basis for the legal format supporting these practices was the contractual balance between the personal interest of the head of a discovery expedition, and the official interest of the Crown embodied in the capitulación. This contract between the Crown and the expedition head was a fundamental code, or primary law, in the territory discovered and settled under its sanction. In attempts to maintain control over personal interests, it reflected "the over specific and petty character of the Laws of the Indies."[18]

Nevertheless, there was much abuse on the part of colonial officials. Customary practice carried the weight of effec-

tiveness whereas laws were primarily devices to assure the Crown's share of profits. There were numerous prosecutions of officials, including governors, but only extreme cases were prosecuted, and usually only as a result of self-interested pressure from the religious organization. Nothing could be produced without the use of Indian labor which had been organized by force; and this exploitation led to profits for the Crown.

The three colonial institutions particularly important in this context reflect the dialectic of personal interest and Crown control. The encomienda gave the encomendero control over specific areas for the collection of tribute to be shared with the Crown; the repartimiento organized labor; the congregaciones or missions satisfied the church's interest in missionizing and served the Crown as a convenient means of pacification. Implementation of these institutions for control effected changes in Pueblo land tenure and established the basis for settler land tenure.

One authority views the original papal bull of Alexander VI, *Inter Caetera*, granting the Indies to the kings of Castille, as a form of encomienda. From this enormous grant, the Crown of Castille made grants in a similar manner to the colonizers.[19] Until 1549, the encomienda was a labor grant that gave its holder the right to require labor and tribute. Really "a thin disguise for slavery" and feudalistic in nature, the right to labor was then withdrawn from the encomendero and personal service was forbidden; further, encomenderos were no longer allowed to live on the lands of their encomienda.[20] By the time the Pueblos were colonized, therefore, laws were in effect ostensibly to prevent colonizers from establishing feudal kingdoms.

Thirty-five encomiendas were initially established in New Mexico as rewards for those who served as colonizers. The Council of the Indies, in 1602, established monetary tribute at ten reales per year for each head of household; later, yearly encomienda tribute was fixed at either a manta (cotton shirt) or a hide, and a fanega (1 fanega equaled 1.5 bushels) of corn for each person.[21] Encomenderos made up the core of the military. As professional mercenaries who were the governing elite, they established large ranches with many servants. Thus ignoring the revised laws of 1549, the encomenderos created a form of serfdom similar to that of feudal Europe where "peasants were

obtained as hereditary wards of gentlemen in exchange for services or tribute."[22]

The procedure by which colonists obtained grants of land in the seventeenth-century colony is not known. All records were destroyed during the 1680 Pueblo Revolt, and no records have been located in central archives. Possibly, settlements were formed through a variety of feudalistic manorial tenure by the families which settled along the river from Socorro to Taos. Feudalistic estates may have developed as large haciendas surrounded by irrigated farm and grazing lands, for it is clear from existing documents that settlers tended to be isolated from one another and to depend on Pueblo labor.[23]

The introduction of livestock to northern New Mexico also altered land tenure patterns. Livestock can cause severe damage to crops and to irrigation works so that substantial regulations were issued periodically by the Crown for the protection of Indian fields. No ranches, for example, were to be established where damage could be done to crops. In 1567 the regulation was made more specific, and the Indian villages were permitted to receive land grants to increase their agricultural holdings, but, livestock encroachments on Pueblo fields remained a problem.

To prevent settlement on Indian land, a decree was issued in 1578 providing that all lands not specifically granted belonged to the Crown and reasserting the right of Indian peoples to retain their lands in full.[24] Many other laws regarding land tenure followed, indicating widespread reported abuse in the Spanish colonies. In decrees of 1642 and 1646, the land-use rights of Indians were spelled out specifically:

> We order that the sale, grant, and adjustment of lands be done with such consideration that there are left to the Indians, with an excess, all those which belong to them, individually as well as communally, and the waters and irrigation systems, and the lands on which they have constructed acequias, or any other improvement through which by their personal effort they have rendered fertile, are reserved in the first place, and cannot be sold or alienated.[25]

Two examples of enforcement in the seventeenth-century New Mexico colony are documented: In 1621 the viceroy ordered the governor of New Mexico to remove Spanish livestock to a distance of at least three leagues from any Pueblo, and in 1660 an encomendero was ordered off Pueblo land.[26]

The power of encomenderos over the Pueblos within their encomiendas was considerable. The local governing offices, the alcaldes mayores, were held by encomenderos; they were important because they had direct daily contact with the villages, missions, and the settler population. Their duties included police, judicial, and administrative functions, handling land and water rights, overseeing employment, Christianization of the Pueblo, and working with Pueblo officials in administering the day to day life of the Indians. The alcaldes mayores profited from the position since they were able to marshall Pueblo labor to run their ranches and work in their fields.

Not only was Pueblo labor appropriated informally and illegally by encomenderos through the power of these offices, it was also organized by institutional means. After the encomienda was restricted to tribute only, another institution — repartimiento — was devised to allow the use of forced paid labor in place of the free labor of the former encomienda grant. Systematized in New Spain from 1575 to 1580, the labor grant was to be made by royal officials and administered by alcaldes mayores. The informal institution was made law by royal cédulas of 1601 and 1609.[27] Repartimiento, really a system of conscript labor, was widely used. Instructions from the viceroy to the governor of New Mexico in 1621 indicate that large numbers of Pueblos from each village had been forced to herd Spanish stock far away from the ranches. This order restricted the numbers to 2 percent at any given time. In addition, levies were being exacted during planting and harvest times, Pueblo laborers were not being fed or paid adequately, and Pueblo women were being separated from their families and taken into domestic service by force.[28] The appropriation of Pueblo labor probably affected land tenure more than any other factor. In the Pueblo agricultural subsistence economy, every aspect of labor was gauged for adequate production. Extensive use of labor outside the community had a deleterious effect both on production and on maintenance of the irrigation system, particularly in light of the additional surplus needed for tribute.

Repartimiento was not only available to encomenderos and officials but to the Franciscan missions as well. The system of reducción which removed indigenous people to concentrated settlements in order to facilitate allotting them in encomienda, was not applied in New Mexico because the Pueblos were al-

ready so concentrated; or were the congregaciones the same as in other territories. In New Mexico, the church was usually built at the edge of an existing Pueblo and did not become integrated with community life, although it managed to divide converts from nonconverts.

Forced labor for the missions was no less oppressive or abusive than labor for the encomenderos and officials.[29] Ten Franciscans were a part of the initial colony in New Mexico, and many others came during the century, moving into the villages and building churches with forced Pueblo labor. Friars were assigned plots tilled by Pueblo labor within Pueblo fields and grazed their stock on Pueblo lands. But the fact that the Pueblos retained their land base did give them increased power to resist missionary influence and colonial domination.

Competition between friars and colonial officials for Pueblo labor produced intensive rivalries which raged throughout the century. The first conflict occurred in 1605 when missionaries complained that conversion was failing because of Oñate's harsh policies. Civil officials countered with the charge that the friars were refusing to learn the Pueblo languages. But there were many common illegal practices. Governors maintained workshops where Indians, forced to work for long hours under miserable conditions, were producing commodities for officials to sell at their own profit. Officials required Pueblo villagers on the eastern frontier to travel to the plains to trade for hides and slaves for the governor's profits. Governors used Pueblo labor for gathering piñon nuts to sell in the interior. Pueblos were forced to build wagons for officials and to act as servants and muleteers on caravans to the interior, and they were often left stranded far from home. Governors attempted to use the missions as trading posts to exchange Spanish knives for antelope skins. One friar complained of Governor Mora in the early 1630s that, "he tried to make us his small merchants."[30]

The governors were careful to protect themselves by making illegal any trade between Pueblo and Apaches except at authorized fairs. In this way, officials were able to trade on the plains without competition, acquiring hides at lower prices. In 1664, ostensibly to prevent spying, Governor Peñalosa decreed that Apaches could no longer enter the Pueblos to trade. The commercial monopoly of colonial officials was further enhanced by the caravan system between New Mexico and the interior.

And finally, although the residencia, or royal review, was required of all top administrators in the colony, bribery limited its effectiveness.[31]

The primary internal contradiction of the colony, then, was church-state dissension. Under Governor Rosas in the late 1630s, the religious and civil cleavage became so critical that the missionaries left the other Pueblos and gathered at Santo Domingo. They were joined by an anti-Rosas secular faction composed of 73 from the 120 settlers. Friars reported that Rosas was supported only by mestizos and mulatos. With the removal of Rosas in 1641, and under Pacheco de Heredia, the new governor, the Franciscan faction ascended to power. The situation did not improve for the Pueblos; further restrictions were imposed on them in the form of passes required for them to leave their villages. In the midst of oppression and the chaos of contradictory orders, many Pueblos fled to the Apaches and Navajos.[32] Dissension among the colonizers provided the opening for the Pueblo revolt.

The effects of the first half-century of colonization on Pueblo land tenure had been devastating. By 1643, only forty-three Pueblos remained inhabited, less than half as many as at the time of colonization. The Pueblos and Apache/Navajos began outright resistance in the 1650s, but plans for revolt made in Navajo country were intercepted and thwarted.[33] By the 1670s the Pueblos were able to amass 6,000 warriors while the colony could produce only 170 potential fighters. Officials reported in 1675 that Pueblos were openly asserting religious independence, apparently led by early converted Tewas. They claimed that the Pueblos were using witchcraft to kill priests and settlers. The governor ordered punishment of the rebels, and ceremonial halls were burned, religious leaders executed, and others punished by whipping and imprisonment. Following the attacks, seventy Tewa warriors rode into Santa Fe demanding the release of the prisoners; significantly, the governor acquiesced.[34]

All Pueblos, including the distant Hopis and except for the Piros, were involved in the 1680 Revolt. Apache and Navajo allies also supplied warriors. Although officials were informed of the impending revolt several days beforehand, they did not have time to organize defenses adequately. In addition, the

revolt began earlier than scheduled when Indian leaders learned that Spanish officials knew of the plan.

Rebellion occurred simultaneously in each Pueblo. Franciscans and soldiers were killed, and squads of Indian soldiers blocked roads and attacked isolated settlements. The only course open to the governor was to attempt a defense of Santa Fe, which was increasingly surrounded by soldiers from all the Pueblos.[35] Negotiations were arranged between Governor Otermín and a once friendly Pueblo official who presented the ultimatum of war or the peaceful exodus of all the colonists. According to Otermín:

> All classes of Indians who were in our power were to be given up to them, both those in the service of the Spaniards and those of the Mexican nation of that suburb of Analco. He demanded also that his wife and children be given up to him, and likewise that all the Apache men and women whom the Spaniards had captured in war be turned over to them, inasmuch as some Apaches who were among them were asking for them.[36]

By mid August the settlers had removed to El Paso. Approximately 2,000 people, of whom 317 were Pueblos from southern villages, arrived in El Paso, leaving 21 priests and 380 settlers unaccounted for and presumed dead.

The Pueblo view of life under the colonial regime was revealed in interrogations of Pueblo prisoners. An eighty year-old Pueblo man said that persecution of religious leaders was the cause of the revolt, and that planning had been going on during his entire lifetime. Another prisoner stated that Tano captains had told him of twelve years of planning before the revolt. When asked why they were plotting rebellion, one Pueblo said he was told that the people were tired of the work they had to do for the Spanish settlers and missionaries. This work did not allow them to plant and to do other things for their own needs; being weary of the situation, they had rebelled. Testimonies identified Popé, a Tewa religious leader living at Taos, as the principal strategist. They described the means of communication as a knotted rope carried from village to village.[37]

Given the fact that Pueblos had to have passes to travel between villages, that all the other oppressed peoples were severely restricted in their movements, and that none were allowed horses, meticulous planning must have been necessary.

That all the forces, from what is now western Arizona to eastern New Mexico, from southern Colorado to far south of Albuquerque, rose up at the same hour belies the idea of "spontaneity."

One authority on the Spanish colony in New Mexico has noted that some of the principal and most intelligent ones among the leaders were not "purebred" Pueblo Indians.[38] Some participants were the offsprings of Spaniards and Pueblo women, and others were descended from mulato and zambo servants brought from New Spain who had married Pueblos. In addition, mestizos resenting the Spanish caste system and their own economic oppression, had gravitated into Pueblo society. Clearly, the initiative for the revolt came from Pueblo leadership, and the organization of the revolt, including long-term planning, reflects Pueblo social formation. That others had been assimilated into the Pueblo social system is not surprising; however, to suggest that Pueblos were not capable of such a planned revolt is to greatly misunderstand the nature of Pueblo society.

During the twelve years of independence, 1680-1692, factions developed within the rebel forces. Dissension undoubtedly concerned responses to an expected future invasion. A number of Pueblo villages changed location and others consolidated. The factions, though, appear to have been united in their opposition to the return of colonial rule. As Otermín wrote to the viceroy in February 1683, during an attempted reconquest:

> Not only were we not received, nor did any of them come to us, but we found them very well content with their execrable sorceries and idolatries, and very obstinate, they having burned temples, images, and crosses, and even the bells, together with everything else in the kingdom in the way of convents and houses of the Spanish. I judge that even in case we had had the good fortune to reduce a large number of them, we could not have succeeded in keeping them, for it is certain that those whom we are bringing out are coming because they wish to do so and not because of our care and vigilance.[39]

In assessing the feasibility of reconquest, Otermín concluded that it was not possible to return and settle the interior of the province as before, even without further Pueblo uprisings, because of Apache and Navajo resistance. Significantly, he did not think the province worth keeping under the circumstances. Otermín identified the principal weakness of the colony as the

pattern of colonial land tenure based on widely scattered and vulnerable ranches.

A successful recolonizing mission was, however, accomplished in 1692. Diego de Vargas organized some eight hundred soldiers and settlers along with their servants and seventeen friars. On arriving at Santa Fe, de Vargas found Pueblo soldiers prepared for battle, but the Spanish mercenaries invaded the former capital and were able to hold it. De Vargas initially attempted a policy of peaceful recolonization, but failing to get cooperation from the Pueblos, he ordered all resisters shot until the entire area submitted. His strategy was to raid each Pueblo, capture women and children as hostages, sack the buildings and burn the crops and granaries. Rebellions were continuous through 1696, when a surface calm began to appear. Hundreds of Pueblos were in exile, however, living with the Apaches, Navajos, and Hopis.

Official insistance on recolonization of Pueblo land was not a matter of mere revenge or stubbornness. What was at stake was not so much New Mexico, but the valuable mines of the interior, the heart of the Spanish economy. After two centuries of dominance in America, the political and economic situation of the Spanish empire was precarious. Having experienced a depression in silver production and growing competition from other nations, the Spanish Crown saw the necessity of maintaining the frontier region to hold back French and British encroachment.

By the time the Spanish regained a foothold in New Mexico, the poverty of the province was well-known in the interior. Colonial officials considered the northern frontier to be a military buffer zone; consequently, the recolonizing mission did not go to seek precious metals and was more militaristic in its outlook.

The Spanish had colonized New Mexico through colonial rule and the self-interest of officials and settlers. The culture and land tenure of the seventeenth century was Pueblo, not Spanish, with colonial rule an oppressive superstructure, unintegrated with the society at any level. The term "culture of conquest" has been suggested as more appropriate than "culture of Spain" to describe this situation.[40] Furthermore, the Apaches, Navajos, and Hopis were never successfully colonized

by the Spanish, and they continued to limit the expansion of Spanish economic development in New Mexico.

The importance of the early colonial estates cannot be assessed in terms of their modest profits in the beginning, but rather in terms of their function as a base for the development of a feudalistic social system.[41] Such a development was arrested in northern New Mexico by the Pueblo revolt. Thirteen years later, when recolonization was accomplished, the Crown had different purposes for the province than the economic exploitation of the seventeenth century.

The common observation that New Mexico was a frontier outpost for the interior, an expense to the empire, and unprofitable for its inhabitants is true of the eighteenth century. The roots of this development, however, lay in the destruction of the first colony by the revolt. During the remainder of colonial rule, the Apaches and Navajos never ceased in restricting the Spanish empire to the watered regions of northern New Mexico on the north, separating New Mexico from the interior at times. The land tenure patterns and social relations which emerged in the province were based on the particular circumstances necessitated by isolation, at least partial Pueblo autonomy, Apache/Navajo resistance, and a subsistence economy.

3
The People Continue, 1692-1820

The contradictory elements in the seventeenth-century Spanish colonization of New Mexico are not difficult to identify. With few exceptions, the colonizers were seeking fortune and status, attempting to build large hereditary estates using Pueblo lands and labor. Pueblos opposed the presence of the colonizers and, after several generations, successfully drove them out of their territory. After twelve years in exile the colonizers returned, violently suppressing resistance. And they were to stay until 1821 when the people of all of Mexico rose up and drove out the Spanish state.

Reconquest in 1692 resulted in a settlement quite different from that of the first colony. The Spanish in New Mexico now instituted a policy of maintaining a frontier outpost to preserve the outer limits of their empire in order to protect the rich interior from competing powers. In this process, colonial officials were forced to find some means of successfully overcoming indigenous resistance, or to reach some conciliatory agreement that would alleviate attacks. Moreover, the Pueblos had to be allowed a measure of religious and economic freedom so that they would tolerate the Spanish colony even as the authorities developed more subtle policies of colonial domination.

Warfare against the Spanish settlements in northern New Mexico constituted the rationale for the new land tenure policies of the eighteenth century. These policies were concerned with protecting and maintaining the territory; the result, however, was a mobile social structure based on land ownership vested in the community. This distinction between colonial policy and its consequences for the people is essential.

Except for the permanent demise of the encomienda, Spanish colonial land use and land tenure policy did not change during the time the colony was in exile, and changed little during the eighteenth century. The laws concerning granting and holding land, though compiled in 1681 in the *Recopilación de las leyes de los reynos de las Indias*, were hardly different in the

eighteenth century. Similarly, the legal status of Pueblo lands was unaltered. Thus, the striking land tenure patterns of northern New Mexico arose not from a change in colonial policy, but from the particular situation of the colony and especially continued Indian resistance.

In order to understand this development, it is not enough to consider the legal procedures for making land grants and the kind of grants made; rather, it is necessary to go beyond the policies of colonial officials, to evaluate the nature of the frontier settlements, the distinctiveness of the Pueblos, and the place of these basic givens within the political and economic context of the province.

Locally, these individuals and families who managed affairs were in a powerful position when an economy of capital accumulation emerged with open foreign trade. This advantage enabled them to dominate the communalistic, subsistent Pueblos and the Spanish frontier settlements, which contained the majority of the population but lacked political and economic power. On a larger scale, the very existence of the New Mexico colony was tied to international relations. Spain's main competitor, France, had apparently formulated a long-range plan whereby it would create alliances among the Plains peoples to put pressure on the Spanish frontier. French traders were welcomed in 1739, but ten years later a party of traders was arrested in Taos. The change in policy was due to the alarm of Spanish officials over increased traffic in firearms on the plains. With the Peace of Paris in 1763, however, France relinquished the bulk of her American possessions to England, the ascendant power in Europe. Although Spain lost the Florida Territory to England at this time, it received the Louisiana Territory as compensation, and the Mississippi River became the international boundary between English and Spanish sovereignties in North America.[1]

But the most immediate threat to the New Mexico colony was continued Indian resistance; attempts to withstand this pressure formed the basis of Spanish land tenure policy in the eighteenth century. As one authority on New Mexico land tenure has stated: "It was the spreading of the mounted nomadic bison-hunting pattern, militarily oriented, that most profoundly affected land use in this region."[2]

The necessity of maintaining the northern territory brought alterations in Spanish colonial policies toward indigen-

ous peoples. Trade was the most important mechanism used by the Spanish to forge a dependency relationship with the Plains peoples. It also provided the colony with a surplus for trade in the interior of Mexico, and it was an important element in the subsistence economies of the pueblos and the frontier villages. Soon after the reconquest, Spanish channels of trade with the Apaches and the Utes reopened, the trade route to Chihuahua was resumed, and by 1724 Spanish merchants from New Mexico were attending the annual Chihuahua trade fair.[3] New Mexico trade fairs were held at the northern and eastern frontier Pueblos of Taos and Pecos, and were extremely important to the colony's economy. Buffalo robes and Indian captives acquired by Spanish traders at these fairs were taken to Chihuahua to exchange for European manufactured goods.[4]

A further stimulus to trade came with the Comanches who were unknown in New Mexico before the early eighteenth century. After separating from the Shoshone people in what is now Wyoming, the Comanches had moved toward the center of lucrative trade and had become increasingly competitive with other trading peoples.[5] Comanche migration was in part forced by the entrance into their homeland of other Indian peoples who gained dominance through French muskets. More important, though, was their acquisition of and dependency on horses, which necessitated closer proximity to the source of supply controlled by the Spanish.[6]

Clearly, the Comanches were determined to dominate commerce on the Plains. The first rivals they attacked were the Apaches who occupied the area northeast of Taos;[7] their territory was 750 miles wide and up to 550 miles long.[8] By 1733 Apache control from eastern Colorado to central Kansas was waning under Comanche pressure, and the Apaches began moving south. By 1759 Comanches were the dominate bison-hunting people of the southern plains and the Southwest. There were two thousand on the east side of the Río Grande and four thousand on the west side by the end of the eighteenth century.[9]

Comanche attacks on Spanish settlements were unrelenting for most of the century. Because their society was organized in many divisions, it was difficult for the Spanish authorities to make any general agreements with them. Nevertheless, a trade between the Spanish and the Comanches

flourished.[10] So great was Comanche trade dominance that by the early 1770s they were selling badly needed horses and even guns and ammunition to the Spanish in New Mexico.[11] The importance of trade with indigenous peoples, in this instance the Utes, is also illustrated by this description from Governor Tomás Vélez Cachupín in 1754:

> This nation with its trade in deerskins benefits the province in such a way that it stimulates in its settlers the disposition to go to La Vizcaya and Sonora to purchase whatever they may need for their subsistence and for their families. Without this trade they could not provide for themselves, for they have no other commerce than that of these skins. Invariably when, because of war, the trade with the Utes ceases, that of these neighborhoods ends. They are without the possibility of clothing themselves and existing.[12]

Despite active commercial relations, by the 1770s increased Indian attacks on Spanish frontier areas became serious enough for the Spanish Crown to place the northern colony under the military authority of the Commandant General of the Interior Provinces.[13] Up to this time, the military force in New Mexico was neither part of the regular Spanish army nor of the colonial militia, but had an intermediate status, at times depending on reinforcements from the regular army and the militia. The standing force in New Mexico was recruited from New Spain, it tended to be assigned permanently to the post, and was organized into presidial and mobile companies. In effect, their sole task was to carry out expeditions against resistant or competitive Indian peoples.[14]

Under the commandant general, new policies were instituted by New Mexico governors and other representatives of the Crown using means other than the relatively ineffective military attacks on mobile Indian forces. Viceroy Gálvez, having observed the advantageous use of liquor by the French in Louisiana, reversed the former colonial policy of keeping liquor away from Indians, especially the most strongly resistant to Spanish presence. Similarly, while firearms had been withheld under Spanish colonial regulations, a Royal Order of 1779 allowed less restricted dissemination of weapons in hopes of creating a deeper dependency among Indians for the Spanish

source of supply. Additionally, it was recommended that defective and clumsy firearms be used for trade with Indians.[15]

During the governorship of Juan Bautista de Anza (1778-1788), as the result of his conquest of California, a more effective policy toward resistant forces emerged. As a part of a larger policy for the northern provinces, governors agreed to seek alliances with the Comanches against the Apaches.[16] The policy would reduce Indian power in the area by dividing peoples against each other, since every group seeking peace would be required to aid the Spanish against those still resisting.[17]

Governor Anza's method of forcing peace overtures from the Comanches utilized the colonial method of exemplary violence. In 1779 Anza, aided by forced Ute and Jicarilla allies, captured a Comanche mountain encampment during the absence of the officials and most of the soldiers, then set a trap for them and killed them. The incident is traditionally cited as the event which broke the Comanche offensive. Probably more effective, however, were trade agreements reached between Anza and Ecueracapa, an influential Comanche leader, who committed the people under his leadership to an alliance with the Spanish against the Apaches and Navajos. Governor Anza, thereby, succeeded simultaneously in establishing peace with a large number of Comanches and in alleviating his military burden by delegating the fight against the still resistant Apache and Navajo forces. Another important factor in decreasing Comanche attacks was Viceroy Gálvez's policy of bribery; around 90 percent of the money went to Comanches, while a small portion also went to Navajos, Utes, and Jicarillas.[18]

Although colonial policies of trade and diplomacy affected land tenure only indirectly, two related colonial policies altered land tenure patterns profoundly. Because of the impossibility of expansion on the frontier, and the constant pressure on colonial settlements, governors placed settlers along the boundaries of the colony to serve as buffers against Indian attack. The families recruited were largely genízaros, the designation given Indian people who became detached from their communities. The legal device of the community land grant was the instrument by which the landless, poor genízaros were given land on the frontiers in strategic entry places which would be used by the surrounding Indian peoples. Concentrating scat-

tered settlements into plazas, a policy imposed by the military regime in the late 1780s, also altered the landscape and social formations in the province.

The land grant prerogatives of colonial governors, along with related colonial land laws, permitted this rather unusual development. The Spanish laws which governed the American colonies comprised the total legal heritage of the Castillian Crown. The *Recopilación de las leyes de los reynos de las Indias* was a collection of all laws, regulations, and royal orders concerning the Spanish empire up to 1680. All the issues not covered in the colonial digest were to be resolved by applying the Laws of Castille.[19] These had been originally codified in the thirteenth century in *Las siete partidas,* updated in 1567 as *Nueva recopilación de las leyes de España* and again in 1805 as *Novissima recopilación de las leyes de España.*

The authority to confer land grants was promulgated by Ferdinand V in 1513, by Charles V in 1523 and 1525, and by Phillip II in 1596. Lands were to be partitioned and assigned by the governor to all those who went to America. The purpose of making these land grants was to add to the productivity of the colony by stimulating agriculture and stock raising. All grants were to take into consideration the lands of indigenous peoples.[20] After the reconquest of New Mexico, the governor of the province was empowered to make individual agricultural or grazing grants, as well as community land grants. The royal cédula of 1684, which appointed Jironza Petris de Cruzate governor of New Mexico during the colony's exile in El Paso, empowered the governor to make land grants.[21]

The introduction of livestock to New Mexico had brought with it the European practice of common use of pasture lands surrounding a village usually encompassing one square league. This pasturage was a part of every community land grant as opposed to baldíos, larger areas of common pasture land which could be used only by license.[22]

In addition to the community grants, private grants were made to those who had the means to develop agricultural and pastoral lands. In order to obtain a private or community land grant, an individual or group was required to petition the governor in writing requesting specific vacant lands of the realenga, the royal lands.[23] In response to the petition, the governor would issue an order to the appropriate alcalde mayor,

local official, to ascertain its accuracy. The local official was also required to post notices on the churches of the district so that any person or village objecting might be aware of the proposed grant. The alcalde mayor then reported the response, and with witnesses, examined the land and drew up a map of the grant boundaries. The documents were then examined by the governor who decided the validity of the claim. If it was approved, the alcalde mayor placed the grantees in juridical possession.[24]

Grantees were required to remain on the land for at least four years in order to receive a title in fee simple. At the end of that period the alcalde reported on the occupancy status of the land, and if it had been continuously occupied, title papers were issued by the governor.[25] In case the grant was abandoned, or other provisions of the grant were not met, it could be annulled by the governor, in which case the land returned to the realenga. In the case of community grants, during the period before final title was vested, irrigable lands were allotted to particular families who could then sell or otherwise alienate these allotments. Grantees usually divided parcels among their children, creating the typically long, narrow agricultural strips which characterizes the landscape of northern New Mexico. In all instances, water rights were held in common by the grantees and mineral rights were retained by the Crown.[26]

Land grants made to settlers from the reconquest until the mid eighteenth century were largely private grants, but in the second half of the century the community land grant was increasingly used to create settlements on the frontier.[27] These genízaro settlements were particularly important because they provided a buffer for the colony against Indian attacks, and they were an outlet for the steadily increasingly poor, landless class, which thereby became propertied and self-sufficient.

The term genízaro is the Spanish version of the Turkish word "yenicheri" ("janissary" in English), meaning "new troops," and referring to the part of the Turkish infantry composed of compulsory conscripts and Christian captives.[28] One authority described genízaro as a designation for non-Pueblo Indian people who had acquired cultural forms from the colonizers, and Spanish surnames, some being ransomed captives and some with Spanish ancestors; all spoke Spanish as their common and only language.[29] By the late eighteenth century,

genízaros amounted to around one-third of the population in the province.[30]

Many indigenous Pueblo individuals and families, however, dissidents from strict Pueblo society, also fell into the genízaro class.[31] In fact, the Pueblos were so numerous at Abiquiu in the late eighteenth century that they comprised a majority of the genízaro population.[32] Many genízaros would end up in the Barrio de Analco in Santa Fe; its disappearance in the latter part of the century attests to the resettlement of genizaros on the frontier.[33]

Frontier settlements were strategically placed along the periphery of those settled areas which were common entry places for attacking Indians. Ojo Caliente to the north, where Comanche and Kiowa attacks were common was such a place.[34] The main entry for Apaches was south of Albuquerque at Tomé, and along the Pecos River on the eastern periphery where the settlements of San José and San Miguel del Bado were established.[35]

The settlers were required by law to defend the frontier, and, in fact, in order to survive they had little choice but to do so. The male death rate in warfare was as high for genízaros as it was for Pueblo Indians because they served as conscripted foot soldiers in Spanish expeditions and were poorly equipped for defense of their villages.[36]

The frontier community grants were often deserted, resettled, and again deserted, due to Indian resistance to their presence. There were few cases of revocation of grants due to discontinuous occupancy or desertion. One well-documented case reveals the obvious reluctance of authorities to revoke a grant even when the conditions were not fulfilled. There are no original grant papers for the Ojo Caliente Grant, but in 1748 the inhabitants petitioned to abandon the settlement because of Ute and Comanche hostility. They requested that permission for abandonment be granted without affecting their title to the land. In 1751 they were ordered to return to the grant land but they refused, asking for and receiving an extension. In 1766 they were once again ordered to resettle, but they did not. Consequently, in February 1766, the grant reverted to the Crown thereby becoming available to other settlers. In 1767 and 1768 much of the land on the grant was reassigned to genízaro settlers who also abandoned the settlement. In 1790 another grant of the area was

made, requiring the settlers to build where the original settlement had been, but not until 1792 was the grant formally made to the settlers.[37]

The frontier, though it provided an outlet for the landless, was a dangerous and difficult place to live, and it appears that genízaro settlements were not always voluntary, but rather were often closer to reducciónes or forced relocation. Fray Morfi wrote of Anza's attempt to wipe out the genízaro district of Analco in Santa Fe by forced settlement and the opposition of residents; they went to the commandant general and won an order preventing the governor from disturbing them.[38]

Despite the reluctance of the settlers, genízaro settlements comprised the majority of community land grants made in the eighteenth century, giving rise to quite a different socioeconomic order than did the private grants. Documentation of the genízaro grant at San José de Gracia del Río de Trampas provides insight into its social composition and the procedures by which grants were made.[39] The granting decree of July 15, 1751, by Governor Tomás Vélez y Cachupín, describes the grantees — an extended family collection of households from the Barrio de Analco. The first named of the group, a man of sixty years, was the acknowledged head of the community. This is evidenced by an entry relating to his burial in 1789 where he is referred to as the founder of the settlement. In summarizing the documents related to the settlement, Dr. Myra Ellen Jenkins finds that:

> The settlers of Las Trampas were, then, an extended family group of about six last names, closely related by blood and probably neighbors in the Barrio de Analco of Santa Fe, the region set aside for the lower economic and social groups. They were of mixed Spanish-Indian-African blood; they requested and secured a grant in a region where they could maintain their families and where stock grazing was later possible. The older member of the group, Juan de Arguello, assumed leadership. There was little to distinguish them from many other similar groups who secured land especially in northern New Mexico for the same purposes.[40]

Each family was allotted 180 varas (one vara being 33 square inches) of arable land or 2,160 varas for the twelve families. Additional arable lands were granted, but not allotted immediately, while 57.5 varas were set aside for each family for houses, 61 varas for enclosures for stables, and 180 varas were granted

for cultivation along the river. Later documents indicate that the buildings were surrounded by a wall for defense. The boundaries of the grant were described in "metes and bounds" (geographical and natural landmarks):

> . . . the little canon of the Rito de San Lorenzo to the mountains on the east; from the narrows of the river where an arroyo empties into it from the south, and another from the north on the west; from the league of the Pueblo of Picuris on the north; the divide where the canon de Los Entranes and Ojo Sarco called the height of the Ojo Sarco on the south.[41]

In 1776 there were 63 families of 278 persons at Las Trampas.[42] Fray Domínguez, in 1776, described the people as:

> . . . a ragged lot, but there are three or four who have enough to get along after a fashion. They are as festive as they are poor, and very merry. Accordingly, most of them are low class, and there are very few of good, or even moderately good blood. Almost all are their own masters and servants.[43]

A pronounced casticismo, or caste system, pervaded Spanish colonial societies, little different from the racism which modern colonialism has bred wherever it has become rooted.[44] The highest caste in New Mexico was that of the vecinos, who were legally Spanish (Españoles), that is settlers identified as pure Spanish, although in most cases they were not. They were, however, well-to-do private property owners. Next were the castas, who were people of mixed ancestry but whose identity and legal status nearly equaled those of the vecinos. Coyotes were the offspring of a non-Spanish European father and a vecina or mestiza mother; mestizos, with a mixture of Spanish and Indian ancestry, made up the majority of the castas group. Genízaro status included all the lower castes, and though the term referred technically to Indian heritage, it appears to have been more a class than a racial term. Mulatos of African and European origin, and zambos of Indian and African ancestry were sometimes identified as genízaros and sometimes as separate, low caste categories. The final two castes distinguished in New Mexico, indios referring specifically to Pueblos, and gentiles, who were the unconquered Indians ("wild Indians"), constituted the lowest rung of the colonial caste system.[45]

Change of legal caste status was fairly common in New Mexico, depending largely on wealth and culture, measured in terms of land ownership and acquisition of Spanish dress, values, religion, and language.[46] The most common means for the lower castes to gain higher status was through intermarriage. The children of such unions legally inherited the higher status. The other common means was to increase family affluence. At Ojo Caliente, in 1757, one Andres Muñes was listed as a mulato when he married, and only twelve years later he was listed in records as a vecino.[47] Later in the century, the transitional term genízaro-vecino was increasingly used in official records. It is not certain that vecino legal status brought with it a comparable social status for the lower castes. From the point of view of the established colonial elite, which no outsider could enter, it seems that lower caste status remained a stigma to the nouveau riche, and that racism prevailed in the colony.

That intermarriage was common is attested to by census reports. A 1790 census shows that in the six settlements of Belén, in the Río Abajo, which had a sizeable genízaro section, among the married population there were sixty-two couples classed as Españoles and only seven couples designated genízaro. Within the six sections (plazas) of Belén, there were a total of twelve unions in which both man and woman were mestizos, fourteen mestizo and Español, six between genízaro and mestizo, four between genízaros and indios, three between mestizo and indio, and only two where both man and woman were indios.[48]

A comparison of population statistics from 1760 to 1798 reveals a steady increase in individuals identified as Spanish, while those identified as Indian remained nearly the same. In the 1760 census 7,666 people were considered Spanish and 9,104 Pueblo Indians, while in 1798, 16,065 were considered Spanish and 10,762 Indian.[49] There was little incoming immigration during the period, so the increase in "Spanish" population figures can only be accounted for by the rise of lower castes to Spanish legal status.[50]

The colonial elite was composed of Spanish citizens, descendents of the original settlers of the first colony — the Archuletas, Bacas, Chavezes, Luceros, and Montoyas along with settlers that Vargas recruited from the valley of Mexico —

the Españoles Mexicanos, among whom were the Aragon, Medina, Ortiz, and Quintana families. Other settlers were recruited from Zacatecas, among whom were the Armijo, Vigil, and Vargas families. New settlers arrived sporadically in the eighteenth century, some were soldiers who remained, and merchants who carried on trade between Chihuahua and Mexico City, such as the Pino family.[51] The elite of New Mexico was drawn almost exclusively from the early settler families who intermarried among themselves.

Vecinos tended to settle isolated sites where they built ranchos: loose clusters of small farmsteads referred to as poblaciones, and when consolidated, plazas. Ranchos consisted of one or more households placed next to irrigated farmlands, the plots typically long and narrow. Often ranchos were established without formal grants, by poor families, and many times grants for land already in use were formalized by squatters. Frequently, ranchos would concentrate and form a plaza for better protection from Indian resistance to their presence; the outer walls of the houses surrounding the plazas provided fortification. The wealthier stockmen tended to build their own fortified haciendas.[52]

Generally, settlers preferred the dispersed settlement pattern largely because of agricultural requirements which made it more convenient for them to live near their fields.[53] These frontier settlements, counter to the colonial policy requiring walled communities structured around a plaza, were apparently able to protect themselves more adequately when dispersed — or were at least harder to locate.[54] Colonial officials, however, became increasingly concerned with the discontinuous settlement pattern since it allowed losses of large areas of colonial-claimed territory to resistant Indian peoples, causing a continual contraction rather than expansion of the frontier. As part of the policy of the newly established commandant general, colonial officials decided to consolidate the scattered settlers in compact units, and by 1780 most settlements had been so concentrated.[55] The task fell to Governor Anza who rather brutally accomplished the program in a short time, though not without resistance from the settlers.[56]

Spanish colonial regulations regarding the layout of settlements and towns were precise and detailed. Straight streets were to separate rectangular blocks with plazas situated

among them, the main one being the plaza mayor. Individual lots were owned by settlers, and lands on the fringe were commons.[57] The settlements remained small throughout the eighteenth century, composed mainly of interrelated extended family groups.

Colonial policies establishing new communities of landless genízaros and concentrating settlers into village settlements had a profound effect on land tenure and the society which developed in northern New Mexico and still persists today. Though trade with Indian peoples was essential to the livelihood of the settlers, the base of the subsistence agricultural economy was the irrigation system, the acequia, supplemented by sheep raising. Affluent stock owners, mostly of the Río Abajo, also owned large herds of cattle in addition to flocks of sheep.[58]

The material wealth of the colonial elite was limited in the eighteenth century; however, a basis for accumulation was present. Probably the most important source of profit was the partido system of sheep raising. Under a partido contract, a sheep operator would parcel out sheep to a nonowner, a partidario, who received the benefit of the increase of his share. Most contracts provided for the return of half the increase to the operator. At the end of the time specified by the contract, the partidario had to account for the original number and make up any losses, but Indian raids, stampedes, storms, and animals could decimate a flock leaving the partidario in debt to the operator.[59] Theoretically, the partido system was supposed to provide an opportunity for the partidario to start his own flock, but class distinctions were often heightened under the system.[60] One example of the result of a partidario becoming indebted to a large operator, in this case a Franciscan mission, was recorded by Fray Domínguez:

> In the villa of Santa Fe of New Mexico, on the nineteenth day of the month of April of the year 1777, José Martín, citizen of the pueblo of Santa Rosa Limana of Abiquiu, appeared before me, Lieutenant General Don Diego de Borica. And he said that inasmuch as he owes 588 breeding ewes pertaining to the use of the religious of St. Francis of these interior missions, he obligated and bound himself to pay for them to the syndic, Don Clemente Gutiérrez, as such syndic of these religious, or to the syndic general, Don Francisco Duro, citizen and member or the merchant guild of the Villa of Chihuahua, and to those who may

> succeed him as syndic, within the preemptory period of four years, which shall be counted from the date of this bond, by giving 300 regional pesos a year in maize, or wheat, or mules, or any other regional commodity. For the fulfillment of this he obligated his person and property, both real and movable, present and future, submitting himself to the royal justices for the execution of the payment renouncing, as he does renounce, the laws in his favor.[61]

The partido took other, less exploitative forms in the eighteenth century. For instance, it was common practice, even among the wealthier families of the frontier settlements, for sons to hire out as farm laborers and herders under partido contracts; the father received the profits and presumably suffered the losses as well.[62] Generally, though, the system tended toward the creation of lifetime indebtedness, and sheepherding became a culture unto itself in many respects. Scattered, small plazas of poor shepherds were often formed and fortified along sheepwalks where the workers eked out a living from the wool, meat, and by-products of the sheep.[63]

Sheep constitued an important element in the economy of the settlements and of the Pueblo Indians as well. For the large stockmen, sheep provided increasing wealth as they drove their herds to Chihuahua for profitable sales. However, the fundamental basis upon which village economy and social structure were built in both the Spanish settlements and the Indian Pueblos was irrigation agriculture; it formed the permanent pattern of village life along the waterways of northern New Mexico. Agricultural produce not only provided basic subsistence for the villagers, but also the trade commodities with which to barter for hides and meat, products of the Plains peoples.[64]

Fray Domínguez noted the irrigated fields of nearly every settlement and Indian Pueblo he visited. Regarding the genízaro lands of Abiquiu, he wrote: "On the open sides the Pueblo has many good farm lands which are irrigated by the river they call Chama." He added that the lands were extremely fertile, "but their owners, the Indians, are sterile in their labor and cultivation, so they do not yield what they might with attention."[65] Notwithstanding Domínguez's elitist and racist view of the farmers, the operation of an irrigation system required a great deal of cooperation, coordination, and attention. Several key social institutions emerged in the late eighteenth-

century frontier villages which provided for increased internal control of the communities: extended family groups; the Penitente Brotherhood; and the acequia, or community irrigation association.[66] In relation to land tenure, the acequia was most important, though the three institutions sustained and were interconnected with each other.

Irrigation techniques were a part of the Spanish as well as the Pueblo Indian cultural heritage, and Spanish colonial law set down general principles for the regulation of irrigation.[67] The *Recopilación* provided colonial officials with the power to supervise irrigated lands to protect them from damage by livestock and to see that all waters were held in common.[68] Irrigation regulation was largely based on custom, however, and few colonial laws controlled the actual distribution of water.

Spanish irrigation practices in America originated in customs and techniques of irrigation diffused from the Near Eastern culture introduced into Spain by the Muslims in the early Middle Ages. This practice was based on a number of principles. First, the irrigator of one canal was to receive water in proportion to the amount of land irrigated, and he subscribed to maintenance costs in proportion to the amount used. In the case of community operated systems, labor replaced cost in the same manner. Second, administration was entrusted to officials, either elected or appointed, who were most often the irrigators themselves. They had substantial power to regulate their own systems, whether or not formal control was vested in a higher authority. Third, civil law functioned more as a general norm for adjudication of disputes than as the authority for regulating actual water distribution, which was always guided by local custom.[69] In addition to customary law and the general framework of civil law, the *Recopilación* specifically sought to protect prior water rights and water distribution customs of the indigenous peoples.[70]

The crucial aspect of Spanish customary law regarding irrigation works was that responsibility for maintaining the systems belonged to the irrigators themselves. As in Spain, there were two types of irrigation associations in New Mexico: towns organized municipal associations, and those of the scattered Spanish settlements and the Indian Pueblos who had their own private associations. The Indian pueblos continued their customary practices, which greatly influenced the formation of

associations in the frontier communities, particularly in the genízaro settlements which included many former Indian Pueblo citizens. Since the acequia was the only governing body in the frontier villages, it played an extremely important role in shaping the social structure and social relations within and between communities. The authority in charge of the acequia of a given community system was the mayordomo de acequia who possessed considerable authority and prestige, and was elected from among the irrigators. Acequia members gathered each year to elect a new mayordomo and his assistants, at the same time setting their salaries, which were paid in kind. The mayordomo's duties included inspecting canals and supervising repairs, as well as regulating the labor time of the irrigators, settling disputes, and policing the canals for infractions of regulations.[71]

Punishment or prevention of infraction required the mayordomo to act immediately so that no valuable water would be lost. Common problems were using forbidden water, wasting water, flooding roads, stealing water, flooding crops, draining water in the wrong place, installing or undoing a canal check illegally, taking water by force, and irrigating without a right.[72]

Acceptance of the mayordomo's absolute authority was one source of conflict in the dialectic of cooperation and conflict in this irrigation culture. The mayordomo's position was precarious in the classic disputes between upstream and downstream users and those arising from damage to canals from loose stock. If he acted unfairly or with favoritism, his position could be challenged by the community and the system could, as it often did, break down to the detriment of all users. Sometimes a group of dissident irrigators would leave the acequia and build their own ditch, or separate a part of the existing ditch to form a new acequia.[73]

Conflicts within and between villages, as was also true of the Indian Pueblos, produced feuds which continued beyond their source.[74] But the experience of the acequia, with each user serving as authority at some point and working collectively all the time, provided the basis for highly developed administrative abilities, and was probably the major source of the strength and resiliance of these self-sufficient communities. It is possible, however, that the kinship-based social structure of the mestizo communities, in contrast with the nonkinship-based structure

of the indigenous Pueblos, hindered conflict resolution by creating more personalism and favoritism.

Though integrated internally and possessing a strong reservoir of administrative abilities for the larger society, the communities were not integrated with the political super structure of colonial authority and had no power to influence it except by rebellion. The self-sufficient settlements were, on a larger scale, helpless and vulnerable. They were valued by the colonial regime only as buffers of the colony; they were, then, colonized communities, as were the Indian Pueblos. In analyzing the relationship of an autonomous village to the larger social order, a writer observes:

> The essential juridical difference between the pueblo and the polis is that the former has not been so powerful a generating centre of juridical sensibility, a productive force of socialization. In this sense the pueblo has not really been a pueblo, that is a society; and as the pueblo is the people, we could conclude that socialization has always gone badly, that to a certain degree some forms of socialization are perhaps lacking, and the individual fails to feel part of something that transcends kinship, friendship and to some extent the pueblo.[75]

The indigenous Pueblos, like the Spanish frontier communities, were devoid of power outside their villages, and though strong integrating forces operated within, they were essentially prey to and outside the power structure.[76] Once, the Pueblos had been part of a much larger world than they now occupied; colonialism produced the atrophy of their larger network of trade and social relations.

The difficulty of maintaining Spanish settlements in the eighteenth century had no parallel with the indigenous Pueblos. While frontier settlers were forced to adapt to more centralized existence, thereby developing something close to the indigenous Pueblo economic structure and land-use patterns, the Pueblo Indians consistently chose to remain centralized as they had been for centuries. Pueblo social organization called for continual ceremonial interaction, which tended to perpetuate the centralized, cohesive pattern.

The Pueblo Indians held the most productive farmlands of the northern New Mexico area, where they had settled long before Spanish colonization. The tendency of the Spanish to settle in Pueblo territory was a persistent source of Pueblo

Indian complaints and petitions during the eighteenth century. Colonial officials, not forgetting the powerful and successful 1680 Revolt, took such complaints seriously, and usually settled in their favor, but abuses were repeated time and again. Litigation of Pueblo Indian lawsuits reveals that the offenders were most often from elite families living on private grants, not the villages on community grants that were mostly on the undesirable periphery.

Under the colonial administration, Pueblo Indians were considered wards of the Spanish Crown; they were not Spanish citizens. The fundamental legal basis for Pueblo Indian land confirmation under the colonial regime resided in royal ordinances, not grants of land. Only the viceroy, governors, and captain general could make grants to Indians, and only those officials had the authority to validate sales of land by Pueblo Indians. All Spanish citizens were expressly forbidden to live on Pueblo lands, and the colonial governor was to provide legal advice, protection, and defense for the Pueblo Indians. Pueblo Indians also had the right of prior appropriation of water from all streams, rivers, and any other waters which crossed or bordered their lands. They held their lands in common, in the name of the Pueblo, with an internal system of water and land allocation not controlled by Spanish officials.[77]

The laws for the protection of indigenous lands were, theoretically, comprehensive and detailed enough to protect the land rights and land tenure patterns of the Pueblo Indians; but the laws could not overcome the social forces which allowed and even encouraged custom to predominate over the Crown's rules. The Pueblo Indians were, despite their internal strength, colonized by the Spanish, and they occupied the lowest rung on the social ladder in colonial society.

The Pueblo Indians placed colonial institutions within their dualistic social structure, clearly separating Spanish from Indian practices. Certain officials within the Pueblo controlled all activities introduced by the Spanish, such as the municipal regulations for coordinating the water supply held in common with Spanish users. The mayordomo de acequia in the Pueblo was a "Spanish" official; such officials also controlled stock and grazing rights on common land, and the rental of property to outsiders. The aguacil (sheriff) was empowered by the Pueblo to punish all abuses within the jurisdiction of the "Spanish" offi-

cials, and the fiscales were responsible for maintenance of the church and church attendance. In ceremonial practices a similar dualism prevailed, with both Catholic and Indian services at birth and death.[78] Traditional Pueblo Indian ceremonies were conducted secretly as they still are today.

Though conditions had improved for the Pueblo Indians after their successful revolt, old abuses reemerged.[79] The alcaldes mayores, the local officials with whom Pueblo Indian "Spanish" officials had to deal, held a great deal of officially backed power in their positions in contrast to Pueblo leaders; their only power was the power to revolt. The office of alcalde has been characterized as the weakest link in the Spanish government of New Mexico. Since this official had the most real, direct day-to-day power over the people, it is not clear that "weakest link" is the best way to characterize what was obviously an essential means of maintaining colonial rule.

By the mid eighteenth century, the province was divided into eight alcaldías, each administered by an alcalde mayor who was responsible to the governor. Duties of the alcaldes included settling conflicts between Pueblo Indians and Spanish settlers. They notarized legal documents and investigated land grant petitions, as well as placed grantees in possession of land. They were in charge of the collection of legal fees and tributes, and issued licenses. Invariably the most influential vecino in the alcaldía was selected for the office, and his assistants were drawn from his own family or close associates. Opportunities for abuse were numerous, and motivated the continued battle of the Franciscans against civil officials during the eighteenth century. Their major complaints against the alcaldes were that they confiscated Pueblo Indian supplies for their own benefit, forced Pueblos to work for them, mistreated Pueblo Indian women, and appropriated Pueblo Indian land.[80]

Fray Ruiz, missionary at Jemez Pueblo, recommended in 1776 that all alcaldes be withdrawn from jurisdiction over the Pueblo Indians.[81] The Bacas were the most offensive alcaldes in the Río Abajo area. They had acquired a grazing permit in 1769 on Laguna Indian Pueblo land and later attempted to change it to a title of ownership. The Pino family moved onto Laguna land in a similar manner.[82] In the northern Tewa Pueblo area, litigation between the Pueblo Indians and the Armijo, Trujillo, Martínez, and other families was common.[83] Taos was the most successful

in limiting encroachment by using petitions to maintain land rights. In the mid 1700s, the wealthy rancher Sebastián Martín was the object of several successful Taos suits and complaints.[84]

The Pueblo Indians, though strong internally, were in a weak position in relation to the colonial power structure. Fray Morfi expressed shock when he discovered in 1782 the existence of an hacienda three leagues south of Taos, which was using arable lands more fertile than those of Taos, irrigated from the river; all the lands used by the ranch were the possession of Taos Pueblo. Morfi commented: "Those contented with such as they can cultivate close to their dwelling places cede the rest to the Spanish settlers freely without demanding the smallest rent."[85] Morfi blamed the victim for the infringement, but it is not clear what the Taos could have done to prevent the hacendado from using their land, or what the cost would have been in terms of the family influence and violence which the hacendado could have used against them.

Fray Domínguez reported that Jemez Pueblo was suffering from the abuse of officials, one Peña in particular, who demanded produce and stock from the Pueblo in the governor's name.[86] The use of Pueblo labor, no longer under repartimiento, apparently persisted illegally. A contract dated April 1777, allowed Don Cristóbal Vigil to build a church at Sandia Indian Pueblo contingent upon his having twenty-five Sandia Indian laborers to work twice a week building the foundation and raising the timbers.[87]

Colonial restrictions on Pueblo Indians were maintained. The sale of firearms to Pueblo Indians was prohibited in 1735 and again in 1754,[88] and at the end of the century, Pueblo Indians were still required to have passes to travel between their villages.[89] In addition, conscripted Pueblo Indian soldiers were still forced to serve as auxilaries in Spanish military campaigns; one of the alcalde's responsibilities was providing a quota of Pueblo Indian soldiers. The tensions between the colonial regime and surrounding unconquered Indians may have been intensified rather than lessened by the use of Pueblo Indian soldiers, since Pueblo Indians were given not only a share of booty, but also bounties for heads and ears of Indians killed. Moreover, Pueblo Indian agriculture and social structure were adversely affected since the absence of many young men from their villages limited agricultural production and social training.

Finally, certain Pueblo Indian leaders, endorsed by colonial officials, received increased prestige within Pueblo Indian society. This caused a division between traditional Pueblo military leaders and those who gained prestige by serving in the colonial military.[90]

Fray Domínguez complained of Pueblos refusing to use their Christian names; some did not even know them. He observed that they performed church duties only under compulsion and had no real devotion except for their attraction to ornaments such as rosaries and the cross. He found that Taos and Picuris Pueblo Indian people were unwilling to lodge Spaniards. The people hid when they saw Spaniards coming and children would run away crying. He noted that when the Indians went to mass, always by force, they staggered along, one by one, but when leaving, "they fell over one another like sheep leaving the corral for pasture."[91] The extent of Pueblo dissatisfaction is indicated in a report by Fray Escalante in 1776 on the Hopis, who "shelter the Christian Indians who go from the Pueblos of this custody to them."[92] Not only did the Hopis shelter Pueblos who came to them, but defended them with arms when Spanish officials came to return them. Escalante saw the Hopis as such a threat through their influence on the Indians of the Río Grande Pueblos that he recommended conquering them by force.[93] Clearly, the Pueblo Indians remained resistant to colonial authority and institutions and retained a measure of internal autonomy, but they were not in any way integrated with the colonial regime. Only passive resistance or all-out revolt was possible, as is typical of colonial situations.

Although Pueblo Indian and Spanish frontier settlements had no political or economic power during the eighteenth century, the elite of the colony never gained enough economic power to affect significantly the predominant village pattern of the province or to change land tenure to any extent during the colonial period. The elite was lacking in capital, but in terms of the amount of land and stock they effectively controlled, their access to the fruits of trade, and the control of cheap or free labor and that of the villages, there still existed an enormous disparity between their affluence and political power. An average community grant or Indian Pueblo housed some one hundred to a thousand people, whereas, an equally large private grant could be vested in one family.

For the poor Spanish villagers and Pueblo Indians, life outside their communities was necessarily one of illegal or criminal activity since nearly everything was forbidden. Permission to leave New Mexico had to be obtained from the governor and permits to travel within the province from the alcalde mayor.[94] Due to general disregard of the regulations, in 1783 the commandant general ruled that licenses expressing destination and limited in time were to be required of every person. Seven years later the order was reissued, and a call was made for citizens to inform on others.[95] The elite, however, were excepted from the regulations.[96] Another regulation, affecting only villagers and Pueblos, prohibited trading expeditions or buffalo hunting without licenses.[97]

Changes within the colony in the early nineteenth century once again had more to do with international events than with internal development within the province. With Napoleon's rise to power in Europe, control of Spain fell to the Spanish cortes after the king was captured by the French.[98] More important for New Mexico, in 1803 Napoleon sold the Louisiana Territory, which he had acquired from Spain, to the United States.[99] Though events in Europe gave impetus to the independence movement in Mexico, it was in fact an uprising of the people against the colonialism which had oppressed them for so long. However, the new Republic of Mexico bordered on the United States, which had tacitly laid claim to Mexican territory even before the end of Spanish colonial rule.

Zebulon Montgomery Pike's expedition provided the first indication of United States interest in the northern provinces of Mexico. And although the expedition led to his arrest by Spanish officials in New Mexico, while en route to Chihuahua as a prisoner, Pike wrote extensive notes which provided valuable information for the United States government. The publication of the report in 1810 provided stimulation for entrepreneurs to enter the area for trade.[100]

On the eve of North American domination of the New Mexico area at the end of Spanish colonial rule, then, a particular society with a particular pattern of land tenure had developed in northern New Mexico. The colonial government, in a desperate effort to maintain control of the territory, had to fight the surrounding, resistant Indian peoples while developing increasingly sophisticated methods of colonial control, some pro-

foundly affected land tenure patterns. One method was intensive trade with the resistant peoples, with the side effect of an increasing population of captives and other Indians who gravitated to the Spanish colony for work; dependency was increasingly created. On the other hand, the use of community land grants to relocate poor, landless, Indian people practically eliminated a landless, servile class. Consequently, by the end of the era, nearly all inhabitants of the province were property owners and subsistence farmers, however poor.

When the colony was put under direct military control in the 1770s, a program for concentrating scattered settlements was carried out. This change, coupled with migrations and intermarriage with Pueblo Indians, led to an increasing similarity between the economy and land tenure of the Spanish frontier settlements and the Indian Pueblos. The result was a radical alteration of the landscape and the creation of a distinctive and dynamic culture within the villages. Pueblo population decreased, partially due to periodic epidemics, but more importantly, from migration of individual Pueblo Indian families into the genízaro caste.

The Spanish frontier settlements and the Indian Pueblos, though poor, had strong internal controls arising from the demands of irrigation agriculture, self-sufficiency, and self-defense; these controls produced cooperation as well as conflict. However, the communities lacked integration with the political economy of the Spanish regime and were powerless. Colonial officials and the local elite lacked great wealth, but they were in a dominant political and economic position to set the standards which determined that villagers and Pueblo Indians were outsiders, or even social outcasts and criminals. Since their allegiance was to their economic interest rather than to any particular government, they were to limit severely the effectiveness of the democratic revolution which created the Republic of Mexico.

The period during which New Mexico was part of a free Mexico brought an exuberant involvement on the part of Pueblo Indians and villagers in the larger political process in which they were suddenly equal citizens. Looming in the background, however, was the aggressive United States government and its business interests, poised to seize the territory of New Mexico and do away with the newly won freedoms.

4
Liberation Sabotaged With United States Conquest, 1821-1848

> These Spaniards (Mexicans) are the meanest looking race of people I ever saw, don't appear more civilized than our Indians generally. Dirty, filthy looking creatures.
>
> Captain Lemuel Ford, 1835[1]

> That the Indian race of Mexico must recede before us, is quite as certain as that that is the destiny of our own Indians.
>
> Waddy Thompson, 1836[2]

The American invasion and colonization of the Spanish territories of Cuba and the Philippines in the 1890s marks the era of United States imperialism for many historians who take for granted the acquisition of northern Mexico as part of a natural expansion, not colonialism. Frederick Jackson Turner observed in 1897 that, "Our colonial system did not begin with the Spanish war; the United States had had a colonial history and policy from the beginning of the Republic: but they have been hidden under the phraseology of 'interstate migration' and territorial organization."[3]

A contemporary authority, exploring the origin of American colonialism, traces its roots to the Northwest Ordinance enacted by the Continental Congress in 1787 and reenacted by the United States Congress in 1789. Designed as an "internal colonial system" for the west, its provisions were borrowed in part from the British colonial system. The ordinance provided for eventual self-government of settled areas, including property guarantees, civil rights, religious freedom, trial by jury, representational legislation, and public education. It also specified successive stages of colonial development, from an imposed territorial government to a semirepresentational government to, finally, admission to the Union as a state. Apologists for United States expansionism do not see the ordinance as a reflection of colonialism, but rather a means of "reconciling the problem of liberty with the problem of empire."[4]

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Even before the United States had acquired the Louisiana Territory, Thomas Jefferson, in 1801, wrote that,

> However our present interests may restrain us within our own limits, it is impossible not to look forward to distant times, when our rapid multiplication will expand itself beyond those limits and cover the whole northern, if not the southern continent, with a people speaking the same language, governed in similiar form by similar laws.[5]

After the purchase of the Louisiana Territory from Napoleon, Jefferson claimed that its boundaries extended to the Río Grande. Soon after the founding of the Republic of Mexico, the United States government began to claim the Southwest up to the Río Grande, which included much of New Mexico; there was great public conviction behind the attempt to "reunite" and "reacquire" the territory.[6]

The United States government was founded on a continuation of colonialism. The basis of American capital accumulation was land sales by enormous companies who laid claim to areas unsettled by Europeans in anticipation of the war department's defeat of the indigenous peoples there. The English colonial policy of appeasement of indigenous inhabitants had become a policy of extermination or removal.[7] In the first half of the nineteenth century, the United States succeeded in forcibly removing the majority of the southeastern and southern peoples to the west of the Mississippi.[8] An advance force of explorers and traders paved the way for the colonization of New Mexico. By connecting the old Camino Real (from Chihuahua to Santa Fe) to St. Louis, on the western frontier of the United States, merchants tied to the United States economy soon dominated all trade. After this "conquest of merchants," it was a short step to military and political control.[9]

In order to understand the transformation of land tenure under capitalism in northern New Mexico, the effects of the early Santa Fe "mobile capitalism," the primitive accumulation period, must be understood in relation to the self-subsistent villages and Pueblos and to the development of the New Mexico elite as an increasingly commercial, self-interested class.[10] While the land grant policies of the new government of Mexico had some effect in northern New Mexico, changes in land tenure were not immediate.

The military conquest of New Mexico by the United States changed the entire course of its development. Chaotic conditions within Mexico, with New Mexico continuing to be isolated from the center of authority and largely ignored by the national government, are usually cited as the factors which made the conquest possible. This argument, however, tends to rationalize United States aggression against Mexico. One historian expresses it in this way:

> Antonio López de Santa Anna in and Antonio López de Santa Anna out again plotting with his pet generals to return, resulted in almost total neglect of New Mexico. Certainly, no sort of financial support was forthcoming and problems continued to mount. Defense was a major one. The entire Mexican period was characterized by almost constant Navajo and Apache raids on both Pueblo Indian and Hispanic settlements especially for sheep, New Mexico's largest commodity, necessitating military campaign after campaign.[11]

The instability of the new Republic of Mexico, as it emerged from over three centuries of colonialism, clearly put it in a weak position to defend its territory from aggression, and settlements in New Mexico were under continuing pressure from Navajos and Apaches. Nevertheless, emphasizing internal contradictions distracts from the pertinent issue of the determination of merchants tied to the United States economy to dominate the economy of northern Mexico, as an important segment of the United States government was determined to dominate the area politically. With Spain out of the way, the United States could pursue its own policy of colonialism without risking a hopeless war with European powers.

The Republic of Mexico reversed the exclusionary trade policy of the Spanish. Beginning with Sylvester Pattie's party, which arrived in Santa Fe in 1824, trappers and traders connected Missouri to New Mexico and, with Pattie's further travels, opened a trade route to the Pacific. At the same time, Missouri traders began traveling to Santa Fe, and on along the two hundred year-old Camino Real to Chihuahua. The commerce of New Mexico had been controlled by Chihuahua merchants from at least the mid eighteenth century, with goods going to the northern market center not only from Europe through the port of Veracruz, but also from the Louisiana port of

entry, carried by Plains Indian traders to the New Mexico fairs. Until the publication of Pike's journal in 1810, North American merchants had little interest in the northern Mexico trade, but Pike's precise account of the potential profitability of the area inspired eastern merchants to set out to capture the Chihuahua monopoly.[12]

Traders were to have an enormous influence in paving the way for American control of New Mexico, constituting the core of what Father José Martínez of Taos called the "American party of Taos." Carlos Beaubien, for instance, a French-Canadian from a noble French family, had migrated to Missouri and like many other French-Canadian traders, had become involved in the lucrative Southwest fur trade. By 1823 Beaubien had visited Taos and decided to settle there; within a few years he was an established Mexican citizen, and by marrying a Lovato, became linked to one of the most prominent New Mexico families. Through his childrens' marriages he also became linked with the Maxwell, Trujillo, Abreu, Clouthier, and Muller families, surnames indicating the presence of several nationalities connected with United States business.

Another French-Canadian, Ceran St. Vrain, travelled to Taos in 1825. In the early period few traders and trappers remained in New Mexico during the winter, but St. Vrain did, making great profits by staking Anglo-American trappers with supplies in return for a percentage of their catch. With the aid of family connections in Missouri, St. Vrain and the Anglo-American Charles Bent, with their brothers, in 1832 established a trade center, Bent's Fort, on the Colorado River, at a strategic intersection of Indian, trapper, and trader routes. Their goal was to establish a monopoly of frontier trade in the Southwest by attracting all Indian and fur trade to their establishment. Contacts were made with Indian traders and trappers who were attracted by their low prices. A branch store was established in Taos, and agents travelled to the interior of Mexico. Bent's Fort became the economic center for the fur trade in the Southwest, and was second only to Astor's American Fur Company in North America. Bent himself moved to Taos, and by the mid 1830s had married into the Jaramillo family. Also living in Taos was another influential foreigner, Kit Carson, who was hired by Bent and became related to him by marrying into the Jaramillo family, thereby establishing himself socially.[13]

Not only traders and trappers, but also Anglo-American craftsmen were moving into the area. A Mexican lawyer, Antonio Barreiro, commented in 1831 that the towns of New Mexico were becoming the homes of Anglo tailors, carpenters, blacksmiths, potters, shoemakers, gunsmiths, and others.[14] In an 1826 report to the national government, Governor Antonio Narbona expressed concern about the growing foreign population:

> The individuals mentioned in this report remain in the Territory as transients without demonstrating, up to now, an intention of settling themselves. Nevertheless, the merchants, in order to sell their goods, they remain for some time in the towns where they employ themselves, preferring among these Taos and the capital of Santa Fe, where the silversmith, carpenter, ironsmith, cabinet maker, hat maker, painter, and tinsmith have located their workshops. In the aforementioned port of Taos, which is the frontier, there commonly reside a greater number of foreigners. By it being the edge of our populated area, it affords a refuge which many take advantage of without giving knowledge of their presence.[15]

Not only was the trade of the Indians and trappers captured by the foreign monopolists, but, as a result, the economy of New Mexico increasingly turned away from Chihuahua and was drawn to Missouri.[16] St. Louis was connected to the merchant houses of the east by the Cumberland Road, so that Missouri traders had the advantage of superior variety and quality of domestic and imported goods, at lower cost, than did Chihuahua traders who depended on the declining port of Veracruz.[17]

Josiah Gregg estimated the value of Santa Fe trade merchandise as $15,000 in 1822, with sixty owners involved and $9,000 worth of the goods being sold in Chihuahua. By 1826, $90,000 worth of merchandise was transported by seventy owners, with $7,000 worth going to Chihuahua, the rest staying in Santa Fe and Taos. In 1831, the merchandise value peaked at $250,000, with eighty owners and $80,000 worth sold in Chihuahua. Then trade decreased until it peaked again in 1839 at $250,000, with only forty owners; half of the merchandise went to Chihuahua, while half remained in New Mexico. In 1834, $450,000 in merchandise was carried by thirty owners, with $300,000 going to Chihuahua. Two hundred and thirty wagons employing 350 men were making the trek along the Santa Fe trail

each year.[18] By 1846 one million dollars worth of goods, 750 men, and 363 wagons were involved. Increasing monopoly and the unfavorable balance of trade affected Mexico's economy severely. Small operators were squeezed out as fewer merchants carried more goods at greater profits. More than merely a port of entry, Santa Fe was an important trade center; the effect of the trade on the New Mexico economy was radical.[19] Not only did the province turn away economically from Chihuahua and central Mexico, but new values, most importantly, exchange values, were replacing use values.

An example of the enormous profits made in New Mexico is the Becknell-Marmaduke-Storrs caravan of 1824, which brought $35,000 in merchandise to Santa Fe, and reportedly returned with $180,000 in specie and cash.[20] The trade was becoming increasingly capitalized and now involved the manipulation of capital, credit, and labor.[21] Small traders found themselves pressured if they failed to get rid of their merchandise quickly and those who persisted in selling their goods in the market places of Taos and Santa Fe and then proceeding on to Chihuahua with the balance, found profits erratic due to frequent glutting of the markets. The most successful merchants were those who set up shop and carried on their travelling habits, using agents and partners to sell their commodities at established posts. In this way they were better able to judge the temper of the market. Among the first to establish stores in Chihuahua and Santa Fe were the Magoffin brothers and Henry Connelly; they later expanded to other towns in New Mexico.[22]

Increasingly, merchants went to New York and Philadelphia to purchase goods or ordered directly from Liverpool and Hamburg. Some even travelled to Europe to make their own purchases. On the other hand, by 1844 wealthy merchants such as the New Yorker Edwin Norris and the German Albert Speyer had directly entered the trade in New Mexico.[23]

The New Mexico market, while influenced by the trade to develop new values and needs, also made certain demands on the merchants. Josiah Gregg recommended that at least half of a merchant's stock be fabrics, particularly domestic cottons (which replaced Pueblo-grown cotton), in addition to fine European fabrics.[24] Cloth of all kinds, constituted in fact the bulk of the merchandise brought to New Mexican markets. Other items included jewelry, sewing supplies, cosmetics, household items,

paper, books, metal objects, and specialized building materials such as window glass. Merchandise was paid for in coin, gold dust, and silver bars. Some traders dealt specifically in silver bars, buying them in Mexico and New Mexico, and then selling them at a profit to the United States mint. The young United States had an unstable monetary system, and the influx of Mexican silver helped to relieve the shortage of bullion and support the developing capitalist economy.[25]

As early as 1824, Missouri Senator Thomas Hart Benton petitioned the United States Senate on behalf of the citizens of Missouri to provide facilities for the Santa Fe Trail "to draw from the bosom of the wilderness an immense wealth which now must be left to grow and perish where it grows, or be gathered by the citizens of some other government."[26] The bill was passed, to the consternation of the Mexican minister to the United States.

Officials in New Mexico were also concerned about the foreign element in their midst. In an unsigned official report to the Mexican central government in 1827, thirty-six foreign traders are listed, along with this commentary:

> Eighty-four foreigners from North America arrived in this Territory on the eighth day of the current month. If only thirty-six appear in this report, it is because the Alcaldes of the border towns of Bado and Taos, places in the Territory through which the foreigners enter, do not prepare this report in detail as they have been instructed to do. They fear to be disobeyed by the foreigners and do not have the strength to make themselves respected. Although all the foreigners are not listed in this report, if I am correct, those that appear in this report, as well as those who are not in it, totally lack passports. Of the foreigners who have arrived in this Territory, many have remained, and some have married without citizenship papers. I must warn you that the worst of them already know our language. Some do not have employment or means of subsistence. When their countrymen arrive, so that they may give them something they are the ones who introduce contraband and even induce them to commit shameless acts and other offenses of which I have already spoken to the Supreme Government. I ask to be told what to do with such foreigners: If they should remain as they are or if I should demand that they return to their country.[27]

In 1825 United States consuls were appointed to Santa Fe and Chihuahua, and in 1832 Andrew Jackson began using

U. S. troops to protect caravans of citizens on the Santa Fe trail. Generally, merchants provided their own protection, sometimes even carrying cannons. United States mounted infantry accompanied caravans in times of particularly intense Indian resistance to trespass, especially in 1834 and 1843. From the beginning of the Mexico trade, Missouri traders complained of Mexican taxes and customs. They claimed that the Mexican government unfairly favored Mexican and European merchants, citing the 1831 Mexico-United States treaty which included a most-favored nation clause granting American merchants the same privileges and immunities as other foreign merchants enjoyed.[28]

The taxes complained of included the derecho de consumo, or excise tax, levied on imported goods, the chief source of revenue for the New Mexico government, and the derecho de internación, or de arancel, the chief source of income for the national government. Until 1828 export of gold or silver from Mexico in any form was illegal, and in 1835 silver export again became illegal. Missouri traders avoided customs laws and taxes by smuggling and bribery.[29]

The political structure of New Mexico was well organized as part of the Republic of Mexico. In 1837 jueces de paz replaced the alcaldes mayores. The governor of New Mexico continued to administer civil affairs, while the comandante principal was subordinate to the comandante general of Chihuahua and administered military affairs, although under Manuel Armijo and Albino Pérez the military and civil functions were combined in the office of the governor. The governor was generally appointed by the national government and advised by a group called the junta departamental, later called the asamblea departamental. Ayuntamientos for towns of over 1,000 people, established in 1812 by the Spanish cortes, continued to function, serving legislative and judicial functions for the province, but they were limited to municipal functions with the establishment of the prefectura system in 1837. By 1844 there were three prefecturas: Santa Fe, Río Arriba at La Cañada, and Río Abajo at Albuquerque.[30]

Land tenure was affected by changes in types of land grants and in the authority to make them. The Spanish cortes had enacted a law in 1813 which authorized provincial deputations to make land grants, and this provision was continued

under the Mexican government until 1828.[31] In 1823 Agustín de Iturbide enacted a colonization law creating the empresario grants, which provided for a contract between the national government and a promoter, for the colonization of an assigned area of land. The promoter was required to take a minimum of two hundred families to settle the grant.[32] Although no empresario grants were ever made in New Mexico, the territory was indirectly affected, for many such grants were made to slave-owning Anglo-American entrepreneurs in Texas, making possible their occupation and leading to its loss to Mexico in 1836.[33] Such grants were then suspended.

The 1823 Colonization Law also provided for the authority of ayuntamientos to make non-empresario grants. A new colonization law of 1824 continued the provisions of the 1823 law, but added articles concerning foreigners. One article gave a four-year tax exemption to foreigners from the date of enactment; another limited congressional power to prohibit the entry of foreigners. But the law also set up priorities for the distribution of public lands: Mexican citizens were to have priority over foreigners, and among Mexican citizens preference was to be given to those who had earned special merit or rendered public service, as well as to those already living in the area of the projected grant. The law also limited the maximum size of a grant to eleven square leagues per person, which was to include no more than one league of arable land, four leagues of seasonal land, and six leagues of grazing land. The 1824 Colonization Law did not specify procedures for making land grants, and not until 1828 were some rules set down; only governors were to make grants, using procedures almost identical to those of Spanish colonial land laws. A requirement that the provincial deputation consent to grants was one important change. In the case of empresario grants, the national government had to give its consent. In 1842 a decree was issued making all grants subject to the approval of the national government.[34]

A few grants were made to foreigners in the early Mexican period, but only in the early 1840s did foreign entrepreneurs begin applying for enormous grants of land, looking to real property as a profitable investment in the light of apparently imminent United States control. After the abolition of empresario grants, private grants were acquired in association with Mexican partners. Such was the case with the Maxwell Land

Grant, made to Charles Beaubien and Guadalupe Miranda, in partnership with Governor Armijo.[35] The Las Animas Grant, in what is now southern Colorado, was made to St. Vrain and members of the Vigil family. The Sangre de Cristo Grant was acquired in the name of Beaubien's young son, Narciso, along with several other grantees.[36] All these grants were contrary to laws then in effect which required approval by the national government and which limited private grants to eleven square leagues. Beaubien and Miranda, in addition to citing their public service in campaigns against Indians, declared in their petition for the grant that:

> The welfare of a nation consists in the possession of lands which produce all the necessaries of life without requiring those of other nations, and it cannot be denied that New Mexico possesses this great advantage, and only requires industrious hands to make it a happy residence. This is the age of progress and the march of intellect, and they are so rapid that we may expect, at a day not far distant, that they will reach even us.[37]

Some of the lands granted in the Maxwell Grant included Taos Pueblo lands. Father José Martínez, of the influential Taos Martínez family, succeeded in getting a recision of the grant in 1844, but the land was regranted by Armijo, who had interests in it, when he returned to the governor's office the next year. Fifteen other smaller grants were made to members of the "American party" in the Taos area over a period of six years. Most of them encroached on Taos Pueblo lands.[38]

Mariano Martínez, during his term as governor in 1844-1845, attempted to arrest the increasing alienation of land to foreigners. He denied an application of Beaubien and others which sought to colonize other lands near Taos, invoking a decree of 1842 which prohibited foreigners from acquiring land, and a decree of 1843 concerning naturalization rights. Beaubien claimed he was naturalized because he was married to a Mexican citizen, and that foreigners in Taos were continually threatened by the Taos Pueblos, as well as the Utes and Apaches, because they were foreigners, and that they wanted to leave the vicinity to live in peace. Governor Martínez also denied a petition for land at Sapello on the part of a group of foreigners and Mexican partners, and blocked the Beaubien and Miranda petition for the Sangre de Cristo Grant, which was, however, granted the next year by Governor Armijo.[39]

Manuel Armijo, a controversial figure in New Mexican history, came from a humble background, but by the early 1820s, through marriage and sheepherding profits, he had risen to an important position in the province.[40] A merchant himself, Armijo had interests in land acquisitions and was governor when United States troops invaded New Mexico. He fled to Chihuahua before they arrived, choosing Mexican nationality. Armijo had been in office twice before the time of the invasion, from 1827 to 1829 and again from 1837 to 1844, and returned to office a year later in 1845, altogether serving eleven years as governor, nearly half of the entire Mexican period.[41] It is possible that Armijo's motives in granting land were not entirely self-serving, since he apparently expected foreign land grantees to defend the province from invasion by plantation-owning Texans or the United States government. He apparently sought to combine his self-interest with a sincere nationalism and deep mistrust toward the United States and Texans. He never established the comaraderie with foreigners typical of others of the New Mexico elite. Whatever Armijo's motives, however, he did grant away a great deal of available and even already owned lands to foreigners. The simplest method for a foreigner to obtain a grant was through silent Mexican partners, and Armijo himself played such a role in several grants. The national assembly approved land grants to Mexican citizens as a matter of routine, and no questions were raised as to agreements they might have with foreigners. Some United States citizens, such as Manuel Alvarez, did not even bother to seek title to acquired lands, anticipating United States takeover and confirmation.[42]

The provincial elite were not only silent partners to foreign land ventures, they too prospered with the opening of the Santa Fe trade and acquired increased land holdings. Already controlling vast amounts of land, the leading families of New Mexico continued to prosper from stock operations, with the added element of money exchange, which allowed them to accumulate capital for trading ventures. In the years before the Santa Fe trade began, New Mexican ranchers were driving hundreds of thousands of sheep each year to the Chihuahua market to exchange for manufactured items.[43] The numbers diminished for a few years after Mexican independence, but then grew rapidly with the opening of the Santa Fe trade. The large stockmen bought sheep at low cost from small operators, and

sold them for two or three times the amount offered at Chihuahua. Most of the wealthy ranchers resided in the Río Abajo area around Albuquerque, with their extended families, servants, and workers, although a few wealthy families lived in the Río Arriba.[44]

With the end of Spanish colonial rule, provincial government officials were appointed by the national government and were, with only two exceptions in the period, selected from the provincial elite in New Mexico, a marked departure from Spanish colonial policy.[45] The elite thus came to be in a much better position, both to gain wealth, and to dominate all political and economic institutions of the province, from the magistrate's office to the governorship.[46] Prior to Mexican independence, Chihuahua merchants had controlled trade with New Mexico merchants, and the New Mexico elite were unable to accumulate capital or to live in great luxury.[47] However, with the power of governmental positions and the opening of the Santa Fe trade, the situation changed. As early as 1824 some two dozen New Mexican merchants had established trade relations with merchants in St. Louis, and by 1840 they were sending their sons to parochial schools in Missouri to learn English and to receive training in the business houses.[48] Beginning in 1826, New Mexican merchants organized their own caravans, combining their trading ventures with ranching.[49] The Perea, Otero, Armijo, Chaves, and Sandoval families each sent from $17,000 to $60,000 worth of merchandise to Chihuahua in 1844, most of which had been purchased with cash.[50]

The accumulation of capital allowed the elite to live in much greater luxury than in earlier, more rustic times. Probably, at least, equal to that of their counterparts in the cities of the east and on the southern plantations. Most owned vast lands and extensive flocks worked by hundreds of laborers, and their homes were baronial estates. One Anglo-American visitor in 1846 described the home of Mariano Chaves as furnished with Brussels carpets, white marble tables, candelabras, and gilt framed mirrors. The Englishman Frederick Ruxton, visiting Santa Fe in 1846, described the Armijo, Chaves, Perea, and Ortiz families as "par excellence the ricos or aristocrats of New Mexico." These families were all connected, not only by wealth and office, but also by intermarriage. Governor Armijo was

related through his mother to Mariano Chaves, while Chaves himself had married into the Perea family, the most powerful in New Mexico.[51]

On his death, one moderately well-to-do New Mexican, Don Juan Gerónimo Torres, left a nine-room house built around a patio, and seven servants in debt servitude living in huts near the house.[52] The 1827 will of Don Severino Martínez, father of the Taos priest, José Martínez, reveals that he had been able to accumulate vast holdings in the Taos area while maintaining his original property at Abiquiu. Martínez had amassed his wealth through trade with Chihuahua in such items as hides, deer skins, blankets, serapes, and carpeting.[53] His will itemizes all real and personal property, as well as cash and debts owed him, making clear that he had accumulated a substantial fortune even before the Santa Fe trade opened up. His extensive land holdings in the Taos area were increased by his children.[54]

The Santa Fe trade made the province of New Mexico richer. But, it was the elite who benefitted, while the villagers and Pueblos, who lived by subsistence agriculture and barter, were increasingly impoverished by the introduction of exchange values and money. It is true that more capital circulated in the province, but the poor had no means of accumulating it, or for that matter, of buying manufactured items for cash.[55] The standard of living of the elite was enhanced by the trade, but the Paris styles, cosmetics, books, medical supplies, and household implements never reached the poor farmers, shepherds, and Pueblos. Furthermore, their trade with neighboring Indians was seriously impaired by monopolistic establishments like Bent's Fort and the stores of Santa Fe. The poor had to rely even more on trade with Plains Indians and on sheep contracts (partido) with the large operators.[56]

"Comancheros," the frontier Mexican villagers and Pueblos who went to the plains to trade with the Comanche and other peoples, began making these journeys after the Comanche "peace" of 1786, but they grew considerably more frequent in the 1830s and 1840s, as poor farmers needed increased trade in order to acquire commodities to sell. Gregg described the comancheros as being from the "indigent and rude classes of the frontier villages."[57] Pueblos and poor Mexican farmers, mostly of genízaro heritage, were the people who took their bread, flour, cornmeal, dried pumpkins, and onions to exchange for

hides, meat, and sometimes horses and mules.[58] The same people also hunted bison once or twice each year on the plains.[59] Called ciboleros, they dressed the game in their camps on the plains before transporting them back to the villages. They used every part and by-product of the animal: the meat for food, the fat for food and tallow for candles, hides for clothing and other uses, and even the soft neck hair for mattress stuffing. These hunts were not for sport; they were an economic necessity for the farmers who traveled long distances in parties of up to a hundred men. Relations between the ciboleros and the Plains peoples were often hostile, due to Charles Bent's manipulations. Bent encouraged Plains Indians to raid cibolero camps, promising to buy the booty.[60] Bent wanted no one-to-one trading or hunting, but rather for all parties to trade through his establishment. He even confided to United States Consul Alvarez, in 1841, his desire for war between New Mexicans and Plains Indians because direct trade between them cut into his profits as middleman.[61]

The comancheros, on the other hand, had enemies other than Bent to contend with. Anglo-American traders had intermarried with and lived among the Cheyenne and Arapaho; they also encouraged raids on comanchero camps, in the hope of ending comanchero trade, so that they could monopolize all plains trade. The comancheros and the Indians became increasingly dependent on Bent's Fort. Bent was able to capture most of the Indian trade, and the comancheros stopped to trade what they had acquired on the plains at the fort. Many remained, joining Bent's hundreds of laborers who were practically slaves. One peculiar means for the comancheros to make some profit was that of bartering for wealthy New Mexicans being held captive by the Comanches and then ransoming them to their families. The wealthy families, though despising the practice and the interlopers, sought comanchero aid in getting their relatives back.[62]

Another small means of income for the villagers was working the gold mines. Gregg described this activity in the 1830s:

> Gold regions are, for the most part, a kind of common property, and have been wrought chiefly by an indigent class of people. Few foreigners are involved for according to the present simple

> method of working, the profit is too small to entice the independent American laborer. The poor miners lead a miserable life.

In a similar way the poor were able to acquire salt:

> The Salinas, which are considerable, are also public property, and the people resort to them several times a year, in caravans. Salt costs nothing but the labor of carrying it away.[63]

However, the amount of goods acquired by the farmers through trade, hunting, and mining was small. Most villagers never left their locale where they tended their fields and flocks, and increasingly the flocks of others.[64] An Anglo-American observer remarked in 1846 that, "The major portion of the people live not one bit better than the negroes on a plantation in our southern states; and the rico of the village, like the planter, possesses everything; no one else owns a single sheep."[65] The report indicated that the situation had changed markedly since the turn of the century when, although a few partidarios had fallen into debt servitude, the majority, even when in debt, were able to remain independent of the wealthy, and still owned their own land. The introduction of money into the economy worsened the situation of the villagers, leading to debt servitude as a result of laborers taking advances on their pay. The partidario, similarly, through the loss of flocks, increased Indian attacks, and advances in payment, became bound in debt servitude. Debts arising from partido contracts increased rapidly during the Mexican period.[66]

In 1827 José Agustín Escudero, a lawyer from Chihuahua, visited New Mexico and described the partido as very advantageous for the partidario:

> A poor man, upon reaching the age when one generally desires freedom and sufficient means to subsist and start a family, would go to a rich stockman and offer to help him take care of one or more herds of sheep. These flocks were composed of a thousand ewes and ten breeding rams, which were never separated from the herd as is the practice of stock raisers in other countries. Consequently, in each flock, not a single day would go by without the birth of two or three lambs, which the shepherd would put with the ewe and force the female to suckle without the difficulties which he would have had with a larger number of offspring. The shepherd would give the owner ten or twenty per cent of these sheep and an equal amount of wool, as a sort of interest, thus preserving the capital intact.

> From the moment he received the flock, the shepherd entered into a contract in regard to the future increase, even with his overseer. As a matter of fact, he usually contracted it at the current market price, two reales per head, the future increase to be delivered in small numbers over a period of time. With this sum, which the shepherd had in advance, he could construct a house, and take in other persons to help him care for and shear the sheep, which was done with a knife instead of shears. The milk, and sometimes the meat, from the said sheep provided him sustenance; the wool was spun by his family into blankets, stockings, etc., which could also be marketed, providing an income. Thus the wealth of the shepherd would increase until the day he became, like his overseer, the owner of a herd. He, in turn, would let out his herd to others after the manner in which he obtained his first sheep and make his fortune. Consequently, even in the homes of the poorest New Mexicans, there is never a dearth of sufficient means to satisfy the necessities of life and even to afford the comfort and luxuries of the wealthiest class in the country.[67]

Escudero had undoubtedly listened to wealthy stockmen describe the advantages of the partido for the partidario, rather than talking with the shepherds themselves. Of course a few did become wealthy stockmen, but the system itself led more often to debt servitude than wealth.

In 1846 José Leandro Perea of Bernalillo reportedly owned 200,000 head of sheep divided into 2,500 flocks, each tended by a partidario on contract. There were many such large holdings. A deeper significance of the partido was its easy adaptation, by the mercantile capitalists in the United States territorial period, to an extremely exploitative system in which land was made the means of payment of debts.[68]

The old frontier villages largely settled by genízaros, and the new ones built by shepherds, were forced to bear the brunt of increased Indian attacks which resulted from the breakdown of carefully cultivated trade and social relations between New Mexicans and the Indian traders. Navajos and Mescalero Apaches kept large numbers of sheep, often acquired from raids on Mexican stockmen's flocks; the partidarios suffered the loss, not the stockmen.[69] The internal economy of the frontier settlements suffered from loss of trade, increased attacks, and increasing indebtedness. Governor Armijo's policy toward the Indians was similar to that of the late Spanish colonial period: he used gifts, trade, old and new frontier settlements, and punitive

military attack, particularly on the Navajos. Armijo took the patient view that only time would resolve conflicts. The notion of total annihilation or removal of the Indian peoples, typical of U.S. government policy, never seemed to occur to New Mexicans who had lived for so many centuries in a human relationship with surrounding Indian peoples without questioning their right to exist.

That the villagers remained mestizo is indicated by Gregg's reference to the extreme darkness of the "peasantry," and their "adoption of Pueblo customs."[70] Mexican law did away with officially recognized caste, and census reports did not use caste designations; the new Republic strongly condemned racial discrimination. In 1821 the population of the territory was approximately forty thousand, of whom ten thousand were indigenous Pueblos.

An 1827 census of the Abiquiu area recorded a population of 3,557, listing 508 heads of households as farmers, 301 as day laborers, 48 as craftsmen, and 6 as merchants. Most of those listed as day laborers were probably shepherds who farmed their own plots, since they maintained independent households. For one largely genízaro plaza, Santo Tomás, an undated census from the 1820s lists 45 houses divided among 72 household heads, indicating either that families who worked for the wealthy lived with them, or that many poor families lived together. In three other plazas, not dominated by genízaros, there were 45 houses for 56 families. A census of El Rito during the 1830s identified only 5 adults as servants, out of a population of 1,466; however, many children were probably employed by the wealthy without being considered servants.[71]

Barreiro commented, in 1831, on the neglect of agriculture and the lack of large-scale farming; subsistence agriculture remained the norm.[72] The irrigation agriculture of the villages was described by Gregg in some detail. Cultivation was carried out entirely with hoes for there were few ploughs, and those which did exist were crude. Gregg was particularly curious about the custom of leaving cultivated fields unenclosed:

> No enclosure of cultivated fields exists. The owners of cattle are obliged to keep herdsmen constantly with them, else graze them at considerable distance from the farms, for if any trespass is

> committed the proprietor of the stock is bound to pay damages; therefore, instead of the cultivator having to guard his crop from cattle as with us, the owners of stock are bound to guard them from crops.[73]

Gregg was impressed by the art of irrigation, practically unknown in his own country:

> One acequia madre suffices generally to convey water for the irrigation of an entire valley, or at least for all the fields of one town or settlement. It is made and kept in repair by the public, laborers being alloted to the work. The size of the acequia madre is proportioned to the quality of land to be watered. It is conveyed over the highest part of the valley, which, on these mountain streams is for the most part next to the hills. From this, each proprietor of a farm runs a minor ditch, in like manner, over the most elevated part of his field. Where there is not a superabundance of water, which is often the case, each farmer has his day, or portion of a day allotted to him for irrigation and at no other time is he permitted to extract water from the acequia madre. Then the cultivator, after letting the water into his minor ditch, dams this, first at one point and then at another, so as to overflow a section at a time, and with his hoe, depressing eminences and filling sinks, he causes the water to spread regularly over the surface. An expert irrigator will water in one day his five or six acre field, if level; and for uneven ground half that amount.[74]

The effect of economic impoverishment, prior to Anglo-American conquest, on the social organization of the villagers, based as it was largely on leadership and cooperation arising from the demands of irrigation agriculture, can only be guessed. Gregg's description indicates that practices and customs had not changed. Certainly, also, the strong family ties served as a cohesive element and provided aid in hard times.[75]

A hint of the beginning disintegration of social organization and a corresponding attempt to create more cohesiveness may be found in the marked increase of the penitential societies. The Hermandades (brotherhoods), were to be found in nearly every village, particularly among the genízaros. The societies, which originated unobtrusively between 1777 and 1833, practiced intense rituals during Holy Week and on other religious occasions and were censured by church authorities.[76]

It is usually assumed that the Penitentes were a response to the lack of priests in the frontier villages. It does appear that the brotherhood filled the needs of frontier com-

munities, for it not only held ceremonials, but also provided year-round funeral services.[77] Frequently, the Hermano Mayor of the Society was also the local leader of the community. But much of Penitente activity remains a mystery because it became "an organization of the common man against his masters," clothed in secrecy.[78] The increase in Penitente activity during the 1830s and 1840s may indicate an attempt on the part of the villagers, in the face of increasing dependency, to create a kind of political organization, a structure more inclusive and constant than the acequia, but reflecting the same organizational principles. But the very nature of the society, with its self-flagellation rituals, also indicates an attempt to structure, to discipline the community, perhaps as it became poorer.

Genízaros and Indians were no longer legally separate castes after Mexican independence. The Plan of Iguala, which proclaimed legal equality, wiped away all caste distinctions.[79] The action was reaffirmed in the Treaty of Cordova, of August 24, 1821 with Spain, which recognized the existence of the Republic of Mexico.[80] One of the policies of the new government was the equitable distribution of land in parcels which were freely alienable. In Mexico, the policy had a negative effect on Indian communal holdings.[81] In northern New Mexico, villagers were also affected by the policy, since their grants had not been alienable without official Spanish permission. Genízaros began to complain in 1823 of rich men encroaching on their lands; after the land was subdivided, some began to sell their plots.[82] That genízaro lands were precariously held is indicated by Armijo's correspondence in the early 1840s with the national government during the Texas invasions of New Mexico territory. He reported that the frontier villages had not been alerted because the people, being mostly semibarbarous, poor, remote genízaros, were likely to favor secession. He pledged to confiscate their properties, by force if necessary, if they rebelled.[83]

The Pueblos were legally Mexican citizens, as were the genízaros, but the allotment policy was not applied to their holdings. Having retained institutions for community control, it is doubtful that the Pueblos would have allowed an individual to alienate any Pueblo land; they were therefore less open to exploitation by the wealthy than were the genízaros.[84]

In the 1840s, Gregg estimated Pueblo population at

10,000 out of a total population of 70,000, of which only 1,000 were "white."[85] Barreiro reported that the Pueblos still retained their communal practices, were extremely honest and truthful, and rarely suffered from hunger because of their foresight and caution. He also attested to the continued secretiveness of Pueblo ceremonies, quaintly describing the use of ceremonial halls:

> There they gather to practice their dances, to celebrate their feasts, and to have their meetings. These estufas are like impenetrable temples, where they gather to discuss mysteriously their misfortunes or good fortunes, their happiness or grief. The doors of the estufas are always closed to us, the Spaniards, as they call us.[86]

Barreiro also mentioned an interesting fact which reflects, in part, the unchanging Pueblo population figures. He claimed that Pueblo women refused to bear more than four children, using herbal beverages for birth control, a practice which he condemned and advised authorities to eradicate.[87] The small Pueblo family presents a remarkable contrast to the large Mexican families of the times. Gregg further described the Pueblos as good horticulturists, providing most of the vegetables and grains in the market. He also commented on their sobriety, industriousness, and honesty.[88]

While the Pueblos became Mexican citizens, they were also granted special privileges and immunities as indigenous peoples. Land titles remained in the names of the Pueblos collectively, and no individual held title to any portion.[89] Only the most important government officials could legally authorize the sale of Pueblo lands, but there were many encroachments during the period which became permanent holdings. Apparently, New Mexican officials were so accustomed to a certain pattern of relations with the highly organized Pueblos that it was beyond their comprehension to subdivide their lands. Pueblo autonomy was still respected 140 years after the revolt.

There are records of litigation concerning Pueblo lands and rights during the Mexican period, since at many Pueblos, the non-Pueblo population outnumbered the Pueblo population.[90] Taos Pueblo had a great deal to complain about in the later period, with "American party" enterpreneurs acquiring land grants on its lands. But even earlier, in 1822, the Taos had

opposed the use of irrigation water from the Río Seco by Arroyo Seco residents. The ayuntamiento of Taos heard the case and decided that Taos Pueblo had prior water rights; he did order that a certain portion be allowed Arroyo Seco residents in time of abundance and scarcity.[91] The governor's final judgment in the case has not been located. The ayuntamiento probably based its finding on customary, rather than civil law.[92]

In a few trespass cases, officials vigorously denied non-Pueblo claims to Pueblo lands. An ayuntamiento of 1837 refused a previous grant claim of encroachers on Taos Pueblo land.[93] Even the powerful Ortiz family was denied rights to Nambé and Tesuque lands in 1842.[94] But Laguna Pueblo, in the Río Abajo area, the realm of the Bacas, did not fare so well. Continual complaints by the Pueblo were never decided, and large areas were occupied by trespassers. In certain respects the Pueblos were in a weaker position after Mexican independence, since they no longer had access to a protector general or Franciscan priests.[95] On the other hand, the Pueblos did have equal status as Mexican citizens in addition to special privileges and immunities as indigenous peoples.

Encroachments on village lands increased during the Mexican period. Since the population was growing, and expansion was limited by Indian resistance to intrusion, land was becoming a problem in New Mexico by the time entrepreneurs began to capitalize on land grants. The provincial government, therefore, desperately felt the need for more frontier settlements. A total of 197 land grants are known to have been made in New Mexico up to the time of United States conquest, and of these, 23 were made in the seven-year period from 1840 to 1847, most of them by Governor Armijo to local and foreign entrepreneurs.[96] During the twenty-seven year Mexican period, moreover, more grants were made than during the entire Spanish colonial period, the majority of them community grants.[97] Many of these were acquired through political influence, such as the Las Vegas Grant, a community land grant acquired by the Baca family, the Tierra Amarilla Grant, a community grant acquired by the Martínez family in 1832, and the Mora Grant of 1835, acquired by friends of the governor.[98]

The poor village farmers are commonly thought to have been passive and fatalistic; similarly, the Pueblos are thought to have been docile and uninterested in any important activities

outside their community life. These conceptions are patently false. One indication of the villagers' energy in the Mexican period is the spontaneous expansion of settlements. From the late eighteenth century the movement continued throughout the Mexican period; often preceded by the establishment of shepherds' villages, ranchos and villages appeared over the mountains from Taos, spreading seventy miles along the watered Mora Valley. From there shepherds drove flocks far into the plains, gradually expanding the frontier. Río Arriba settlements were also extended north from Taos. One authority describes the positive effects of Mexican independence on the villagers:

> Despite the chronic hazards from the nomadic Indians on every front, the vigor of this Hispano expansion was a major expression of much better relations among the peoples within the older regions. The Mexican Revolution was a strongly anti-clerical mestizo uprising which put an end to relentless missionary pressures upon unwilling Indians and softened Indian-Spanish relations in general.[99]

Although the Baca, Armijo, Martínez, Ortiz, and Chaves families are seen as the political actors during the Mexican period, it was the poor villagers, mostly genízaros, and the Pueblos, who together took nationalist political action at critical points to correct wrongs. On no occasion were they joined by the elite. In 1837 a non-New Mexican, Colonel Albino Pérez, was appointed governor and comandante general of the province. The following year, the national congress, controlled by a conservative faction, abolished the liberties of states and territories, and centralized political authority, as well as imposed a direct tax on various goods and businesses. All these issues affected the elite more than any other group, and they were incensed. Having had virtually no curbs on their power, they resented an outsider being made governor, in addition to which Pérez apparently held them in contempt. And yet, even though their offices were made subordinate to the national government and their businesses taxed, the prominent families took no action to oppose the changes. Revolt did begin in early August 1837, however, among the villages and Tewa Pueblos of the Santa Cruz Valley, twenty miles north of Santa Fe. The insurgents, predominantly Pueblos and genízaros of the Tewa basin, issued

a proclamation to the national government declaring a canton government for New Mexico, attacking the tax program, and the centralist plan. The illiterate cibolero, José Gonzales, a genízaro resident of Taos, with relatives at Chimayó, was their elected governor. The alcaldes of Santa Cruz and San Juan, as well as the governors of several Pueblos, were a part of the insurgent governing body.[100]

Governor Pérez responded to their attempts at negotiation by gathering a force and marching to the Santa Cruz Valley to put down the rebellion. Near San Ildefonso, his forces were driven back, and on the march back to Santa Fe he, along with his staff, was captured and executed by the rebels. The insurgents then entered the capital to take control of the government. The elite feared the rebels would sack the villa, but the occupation was quiet and orderly. Opposition to the revolt did not come from the Río Arriba where it took place, but rather from the Río Abajo, where wealthy ranchers organized an opposition force under Armijo's command. At Tomé, on September 8, 1847, they called for an end to "anarchy," and on September 12 the counterinsurgent forces occupied Santa Fe while the rebel government moved to Taos. Many of the men in the insurgent army meanwhile returned to their farms and Pueblos to begin the harvest. When Armijo informed the central government of the situation and his plan for crushing the rebellion, he won confirmation as governor and commandante general, along with the promise of two hundred mounted infantrymen. The force arrived in January 1838, and met the insurgent army in the Santa Cruz Valley. In the ensuing battle José Gonzales and four other leaders were captured and executed.[101]

The Revolt of 1837 is usually dismissed as "a confused and meaningless uprising of low class Hispanos and Indians."[102] But it is clear, both from the mere fact of the uprising and the orderly government established by the insurgents, that they were politically aware and possessed skills needed for governing the province. Secondly, the revolt mounted by a cross-section of the poor, reveals the growing class solidarity and sense of political power of the villagers and Pueblos.[103] Finally, the revolt clearly brought out the fear of the poorer classes harbored by the elite.[104]

The second event, which logically should have united all New Mexicans opposed to United States conquest, was the

Taos Revolt of 1847. A virtual cold war with Texas existed for ten years after Anglo-American Texans had declared themselves independent from Mexico.[105] The focus changed from Texas to the United States when Texas was annexed as a state in 1845. It took only a minor border incident for President Polk to declare war on Mexico in 1846.

The United States government immediately organized an invasion force, placing Colonel Stephen Watts Kearny in command.[106] Word of the invasion plan brought a call by Armijo for a force of all able-bodied men over fifteen years of age in the province to be augmented by four hundred troops from Chihuahua. With the treasury empty, Armijo called on all citizens to arm themselves against the foreign invaders. The troops, badly equipped and untrained, assembled fifteen miles east of Santa Fe, but in desperation and against the desires of his subordinate officers, Armijo disbanded the army and fled to Chihuahua.[107]

Kearny's army was thus able to enter Santa Fe without a shot being fired. He set up a provisional government, largely drawn from "American party" associates, making Charles Bent governor, Antonio José Otero chief justice, and Donaciano Vigil secretary. After promulgating a legal code, Kearny set out for the California conquest with most of his troops, leaving Colonel Sterling Price in command of New Mexico. Most of the prominent New Mexican families were conspicuously absent from the government. After Kearny's departure there were rumblings of rebellion among the young elite and the clergy. Secret meetings were held to form a plan to seize the governor and military leaders and to replace them with Tomás Ortiz and Diego Archeleta. Price discovered the plot, however, and arrested the leaders.[108]

At the same time, in the northern districts, a more massive and better organized plan was being formulated. All over the area people began to arm themselves secretly. Despite rumors of revolt in the north, Governor Bent travelled to his home in Taos on January 19, 1847, where the rebels attacked and killed him; the revolt quickly spread, with actions in nearly every village of the Río Arriba.[109]

The patriots organized an army and government, appointed leaders, and sent circulars all over the territory calling for people to fight for Mexico against the United States. All the

towns of the north, except Las Vegas and Tecolote, joined the resistance. Turley's distillery at Mora, the source of whiskey for the Indian trade, was demolished, and Turley was killed. In Taos, Sheriff Luis Lee, a member of the "American party," and Beaubien's son, Narciso, were executed, as was Cornelio Vigil. In these attacks, patriotic leaders destroyed all land grant documents.[110]

The patriotic forces numbered over one thousand Mexicans, Pueblos, and Apache allies, while Price could command only three hundred army troops. When he summoned Ceran St. Vrain for help, St. Vrain organized a volunteer army of sixty-five men, including his trader and trapper associates, all veteran "Indian fighters." Most significant was St. Vrain's success in recruiting a number of elite New Mexicans, including Nicolas Pino and Manuel Chaves, both of whom had been involved in the Santa Fe plot and were adamantly opposed to United States conquest. The counterinsurgent army took the offensive, and armed with the most modern rifles and four twelve-pound mountain howitzers, they engaged the patriotic forces near La Cañada, forcing them to retreat under direct attack; they escaped to Taos Pueblo, but they were defeated after two days of hard battle.[111] The leader of the resistance, Tomasito of Taos Pueblo, was taken prisoner, but allegedly was killed by a guard before being tried. Other captured patriots were tried and found guilty of treason by a U.S. civilian jury.[112]

This northern revolt indicates the solidarity of the villagers and Pueblos of the Río Arriba and their ability to produce leadership and act politically. Their choice of military objectives indicates a conscious program opposing land losses to the "American party" and its Mexican associates, as well as the United States invasion. The revolt was crushed, not by United States forces alone, but with the important aid of veteran New Mexican fighters, formerly opposed to United States conquest, but who chose an alliance with the foreign power over one with the common people. Class interest overruled nationalist sentiment.

The conquest of New Mexico by the United States is often justified by historians, perhaps unconsciously, in terms of the "backwardness" and poverty of the area. The level of civilization in northern New Mexico simply did not justify its independence in the opinion of the United States government and its

apologists. This sentiment is expressed in the following words by one authority:

> Unlike the dynamic, individualistic, optimistic society the Anglo-American pioneers were creating for themselves in the Shenandoah and Ohio Valleys between 1760 and 1815, here was a stabilized almost incestuous society existing in nearly total isolation. Stalemated physically, culturally, and economically by the condition of the land and by the Indian menace, Pedro Pino's country was an arrested frontier society. . . . Thus at the very moment the ideals of the French Revolution were sweeping South America and New Englanders were moving toward Unitarianism, medieval religious customs and pageants flourished with vigor in the mountain villages of New Mexico.[113]

Students of New Mexico history have generally failed to see, in the village life of New Mexico, a society which had developed experienced leadership and political skills, beginning to emerge from its isolation to become part of a revolutionary nation.

The conquest of 1846 ended with the Treaty of Guadalupe Hidalgo in 1848; Article VIII promised that "property of every kind, now belonging to Mexicans now established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said properties by contract, shall enjoy with respect to its guarantees equally ample as if the same belonged to citizens of the United States."[114]

5
Capitalization of Land Under Territorial Rule

> So long as the laborer can accumulate for himself, and this he can do so long as he remains possessor of his means of production, capitalist accumulation and the capitalist mode of production are impossible. . . . The process therefore that clears the way for the capitalist system can be none other than the process which takes away from the laborer the possession of his means of production . . . The expropriation of the agricultural producer, of the peasant, from the soil, is the basis of the whole process.
>
> Karl Marx[1]

> I would annex the stars if I could.
>
> Cecil B. Rhodes[2]

After the Taos Rebellion, New Mexico was ruled for four years by a military dictatorship directly under the United States Army; Taos itself was occupied by a standing army. Military rule was crucial to the consolidation of United States authority in the area. "As an army of occupation, troops prevented dissidents among the populace from mounting a successful revolt against the foreign invaders."[3] The first territorial governor was inaugurated in March 1851 and the policies of colonialism were put into effect. With new, definite boundaries marked by Congress, the territory was divided into nine counties. Four interest groups were represented in the first New Mexico territorial assembly, a pattern which was to continue throughout the territorial period.

Wealthy ranchers of the Río Abajo made up the majority of the delegates; secondly, land speculators and "American party" associates were represented by lawyers; thirdly, the church, fearful of loss of influence under the Protestant regime, constituted a small minority of delegates, including Father Martínez; finally, merchants, a small but powerful group were present. By 1861 the assembly was an established institution, controlled by elite New Mexican families and American capitalist interests. Though limited in power, its members controlled constituencies and gained experience in Anglo-American politics; they were usually able to block policies which were opposed to their interests. For more than sixty years, New Mexico remained a territory in which the highest positions of political authority were appointative, not elective. Territorial delegates to United States Congress were appointed, so that representation of the territory in Washington was not answerable to a local electorate; territorial judges were also appointed.[4] And until Miguel Otero was appointed in 1897, these high officials were Anglo-Americans.

Territorial status contributed to the opportunities of land monopolists since oligarchy and self-interest prevailed at the higher political levels. There were power plays between Republican and Democratic factions after the Civil War, and a machine-run government divorced from the society and tied only to its members' economic interests. Until the reform movement of the 1890s this oligarchy functioned without effective opposition.

The most infamous of the land monopolists and territorial politicians was Thomas B. Catron. Before the turn of the century, Catron became the largest individual landholder in the history of the United States, owning no less than two million acres of land at any one time, and sometimes up to three million acres. He came to own entirely or have an interest in thirty-four land grants in New Mexico. In addition, he owned eight thousand acres in patented preemption and homestead claims. These claims, though not extensive in themselves, were strategically located near natural water supplies, so that by controlling the water, Catron had control of the surrounding grazing lands, estimated to have been three million acres in addition to that which he owned outright. He also owned property in

Mexico, California, Oregon, Colorado, Arizona, Kansas, and Missouri, as well as coal, lead, copper, and silver mines in New Mexico and Mexico. He was also a banker and an investor in the livestock industry in New Mexico.[5]

Catron was the largest, but not the only land monopolist in New Mexico during the territorial period. Catron's land empire became a burden when he was unable to exchange his holdings in which almost all his money was invested, for the amount of money he demanded, so that he, like others, lost much of his holdings.[6] Though the speculators lost some of this land, the land did not revert to its original owners but rather to land, stock, mining, lumber, and railroad corporations, which would carry on the capitalization of the land which Catron and other entrepreneurs had initiated.

Of the land-grant acreage held by the subsistence farmers of northern New Mexico, 80 percent was lost. Not only did land ownership become concentrated in a few hands, the products of the land left New Mexico. They were shipped to the processing and manufacturing plants of Chicago and the east, and from there to national and international markets, including New Mexico.

A large part of the responsibility for the expropriation of the land and resources of New Mexico has been attributed to Catron and his associates; many of his contemporaries and later historians have considered him a "robber baron." Few have sought to defend the man or even look behind the actions of a few men for the basic socioeconomic processes.[7] In assessing the role of Catron and other land-grant speculators, the larger context of the colonization process must be considered. As one student of colonialism has stated:

> To consider the actions of superior external economic forces merely as wicked maneuvers on the part of ruthless entrepreneurs and business corporations, when in reality they represent the effective monopolistic exploitation of a socioeconomic situation that offers almost unlimited business opportunities, would be an oversimplification of a complex process.[8]

The process goes back to the time before Catron's birth to the Santa Fe trade, the "conquest of merchants," and the beginnings of land speculation and United States capitalist ex-

pansion into foreign territory. By the time Catron was born, the Mexican economy in New Mexico had been largely controlled for fifteen years by merchants and entrepreneurs connected to the United States. By the time he was a youth, it was perfectly natural for United States citizens to regard New Mexico as a land and a people to be exploited, and with the conquest, New Mexico was considered part of a commodity purchased for $15,000,000.[9] William Blackmore, one of the British entrepreneurs who invested in New Mexico land grants and railroads, expressed this approach to New Mexico:

> The history of the past is a guarantee and assurance of the future. History generally repeats itself. "Still *Westward* the star of empire takes its way." The *new conquest* which is suggested to the young and leading men of the present day is the colonization and settlement of the best selected parts of the Great West. With intelligence, energy, industry, and moderate means, and especially with organized colonization, they can lay the foundation of, and possibly acquire in their own lifetimes, better domains, and ampler and more valuable estates than those gained by their predecessors by either the sword or gift of monarchs, which are now the principal sources of the wealth and position of the aristocracy of the world.[10]

The surge of colonialism in the nineteenth century, which involved European and United States economic and political invasions into foreign lands and markets, was unencumbered by church and state hierarchies. Economic motives were only thinly disguised by jingoism. Thus, the conquest of the northern half of Mexico must be framed within the historical context of nineteenth-century capitalist expansion through colonialism. Colonialism has not only involved the conquest of foreign lands and peoples, but a conquest of agricultural and subsistence producers, with accompanying appropriation of their lands, resources and labor. This process of extension of a capitalist state and individual capitalists into foreign territories must involve expropriation of the land, means of production, and resources from the many who control them. Resources are viewed as raw materials to be taken from the land, with little attention paid to local economic or political development. Rather, control of the population as well as the resources is important for the maintenance of colonialism, which leads to rigid governing systems with racism as a principal ideological

tool. The human population of a colony becomes a resource to be exploited for cheap labor to extract raw materials; the result for the colonized is the development of underdevelopment. This underdevelopment is manifested in the depletion of natural resources, ecological destruction, and for the agricultural producer, the loss of land with "concentration of land ownership, sharecropping, unsatisfied credit needs and the vicious circle of usury, indebtedness, and permanent bondage which turned many small owners into tenants and tenants into agricultural laborers."[11]

The role of the state in the capitalization process is obvious. Catron could not have turned his initial $10,000 into two million acres of land except for federal land policy. From the outset the mechanisms devised for guaranteeing property holding in New Mexico were designed to organize the public domain. When land monopolists overreached themselves, the government stepped in, not to protect the property interests of the Spanish and Mexican land grantees under the Treaty, but rather to protect its own interest in maintaining control over the public domain. An integral part of the development of capitalism is the role of the state in limiting the accessions of individual monopolists that could hinder the flow and circulation of capital necessary for its continued growth.

Six years had passed after the proclamation of the Treaty of Guadalupe Hidalgo before a mechanism was established for guaranteeing the property rights of former Mexican citizens in New Mexico. The instructions to the first surveyor-general of New Mexico appointed in 1854 to review land-grant claims, directed him to ascertain the "origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico."[12] The second guiding principle was to be consideration of previous Supreme Court decisions, in particular, California land claim cases which had reached the highest court. Villages and towns were virtually exempt from having to prove title, since the surveyor-general was instructed to follow the California guideline of assuming a grant if the villages or towns could prove their existence at the time the United States took possession.[13]

The process by which titles were to be confirmed required that a claimant present grant documents to the

surveyor-general, after which hearings were to be held. The official was then to report his findings to Congress with a recommendation, the final decision resting with Congress.[14] After confirmation a survey was made, subject to congressional approval, and a patent equal to a quitclaim deed was then issued by Congress.[15] In short, each grant claim to be patented by the United States government required a separate congressional act.

Only 48 of the 212 grants presented were confirmed prior to 1891. Of the 48, only 22 were patented, leaving 35,000,000 acres of claimed land in the territory in an unsettled status.[16] The 212 grants presented for confirmation represented but a fraction of the approximately 1,000 land grants in New Mexico. The Court of Private Land Claims later reduced the 8.5 million acres confirmed to 2 million acres.

The problem of confirmation for the grantee was complex, "No claimant could secure congressional confirmation of his title unless provided with funds for the long sojourn to Washington, the organization of a lobby, and the buying of the army of official and nonofficial cormorants which has always infested the capital of this nation."[17] The expense of confirmation was prohibitive to many grant heirs, so that the vast majority of claimants paid for lawyers' time and expenses with land.[18] Many land grant residents simply did not bother to seek confirmation of title with the surveyor-general's office. Officials noted that grantees were not coming forward and expressed concern that only doubtful claims would be filed. Two important factors, other than expense, were probably responsible for this state of affairs: the grantees believed that their property was inviolably protected by the Treaty, and their long occupancy and possession of the land was to them "nine-tenths of the law."[19]

Three dominant characteristics of land tenure confounded surveyors-general and Congress. Irrigable tracts of land, subdivided within families for generations, were irregular, long, narrow strips, incompatible with the established federal rectangular survey pattern. The concentrated settlement pattern, centered on a plaza rather than spread over the tracts of land under cultivation, offended federal land laws which required actual residence on the land claimed. And finally, common ownership of pasture lands in back of the cultivated strips was claimed to have no equal in federal land laws.[20]

These specific factors only reflect differing ideologies

toward land use. One using land for subsistence, the other manipulating land in the most efficient way for exchange. The difference is usually characterized in terms of the approximate system of "metes and bounds," or identification of boundaries by natural objects and configurations, as opposed to the "plat," or grid system of measuring land.[21] The Anglo-American system, an innovation to accommodate the market economy, was an expression of the national economy, making land "a precisely measurable entity, divisible into thing-like parcels which may be exactly located on a map."[22] This system allowed for the parcel of land, or its produce and resources, to be brought efficiently to market for exchange. United States land tenure, moreover, is overwhelmingly fee-simple in form, lacking encumbrances or restrictions on transfer of ownership, which also enhances availability and market value of land. Use or occupancy rights, then, are usually arranged by contract on an individual basis. For the land tenure system which developed in New Mexico, based on Roman civil law, Spanish customary and civil law and colonial policy in New Mexico, and on traditional Indian Pueblo tenure, economic considerations were those of use value production for subsistence, not exchange value for the market.

The difference in land concepts was thus an economic one. The root of the land-grant issue was the unwritten but accepted public policy of the United States government, the basis of its economy in fact, to make all lands within its boundaries marketable. Grant claims were entertained in light of the fact that the whole surveyed area of the territory was technically public domain, and was so designated on official maps.[23]

Official concern that fraudulent titles would predominate under the system of congressional confirmation was well founded. The Maxwell Grant (Beaubien-Miranda), and the Sangre de Cristo Grant were confirmed, in violation of the 1824 Mexican colonization law limiting grants to eleven square leagues and the 1842 law requiring approval of the Mexican national government.[24] Later the Supreme Court was to validate the nearly two million acre Maxwell Grant, using the argument that the Court could not overrule an act of Congress.[25]

Since there was no appreciable influx of settlers during the territorial period from whom homestead titles could be acquired and consolidated by land speculators, and since most of

the best land not controlled by indigenous peoples was already occupied, entrepreneurs were forced to find new means to build land monopolies. An individual could acquire 1,120 acres of the public domain legally, even though homestead and preemption claims were limited to 160 acres. A claimant could take a homestead and secure title after five years or pay cash in six months; then he could acquire another 160 acres under preemption, by living on the land for six months and paying $1.25 per acre. While acquiring these titles, he could also be fulfilling requirements for a timber-culture claim of 160 acres, and a desert land claim of 640 acres, neither of which required occupancy for title. Other men in a family or partners in an enterprise could take out additional desert land claims to increase their holdings even more.[26] For poor, indigenous farmers, acquisition of such claims was nearly impossible because of the required payments. For the entrepreneur, however, the payment was minimal and manipulation of United States land distribution laws was simple.

Although the influx of Anglo-American settlers into New Mexico was not great, when "translated into a hundred ranches and a railroad competing for land, water, and timber previously used by others for decades, the change is, in fact, great."[27] An observer remarked in 1866: "No emigration of farmers and permanent settlers has as yet reached New Mexico from our older states."[28] In 1870 New Mexico was still largely dominated by Spanish and indigenous languages, and was still a subsistence agricultural society with a few Anglo-Americans, French, and German merchants, traders, territorial officials, and ranchers.

By 1869 the office of surveyor-general had become aligned with the "dominant element" in New Mexico; the "Santa Fe Ring" was a machine composed of land lawyers, judges, businessmen, politicians, and the press within the territory, linked to key elements in Washington and national capitalist interests. It was a "group of persons with common political and economic interests that conflicted with those of other individuals or combinations."[29] The ring was not a formally organized group; the individuals with common interests simply cooperated in particular instances for their mutual benefit. Despite the frontier setting, "the ring reflected the corporative, monopolistic, and multiple enterprise tendencies of all American business after the Civil War. Its uniqueness lay in the

fact that, rather than dealing in some manufactured item, they regarded land as their first medium of currency."[30] Catron was undoubtedly the leading individual in the circle of land-grant speculators.[31]

The activities of Catron and the ring are usually described as fraudulent, but generally the speculators acted with in U.S. and territorial law in their dealings. They were the pillars of the territorial government and the ruling society, whose rules were largely their own creation. They invented a process of acquiring land grants which simply evaded the law. Though they made use of the surveyor-general, who received grant interests in return, and though they lobbied in Washington for confirmation of acquired grants, their main tactic was dealing directly with grant heirs, the subsistence agricultural producers living in community land grants. Catron and his fellow attorneys did not, as a rule, wait to be approached by grant heirs seeking legal aid, but rather approached the grant heirs, explaining the intricacies of confirmation of grants and offering their services as attorneys who had influence on officials in Santa Fe and Washington. Fees were paid in land at twenty-five to thirty-five cents per acre. But land speculators were aware of the economic needs of the villagers, so that often they were able simply to buy undivided interests in a grant, one by one, until they had acquired it in its entirety. Blackmore noted in his diary in 1871 that a companion had, on a particular day, obtained a one-tenth interest in the Cebolla Grant for thirty-five dollars from the widow of one of the grant heirs.[32]

Even if a grant was unconfirmed, it could be conveyed; but it did not have high market value until confirmed. The strategy of the speculators was to buy low, before confirmation, hold the grant while lobbying for congressional approval, and then sell it undivided to mining, lumber, and railroad interests, or in parcels to ranchers and farmers. Speculators also looked forward to statehood status when land values would rise.[33]

Land was the first medium of exchange for the entrepreneurs who invested in New Mexico, but their investments were multiple. Catron began in 1871 to invest in mines, his first venture being in a group project which included the Santa Fe merchant Speigelberg and the governor of the territory, William Pile. Catron came to own outright or have interest in some

fifteen silver, copper, and coal mines in New Mexico, and was one of the owners of the First National Bank of Santa Fe. All the entreprenuers invested in the railroads, but investment in the livestock industry profitted investors in New Mexico more than any other venture; monopolistic control of land and water was the prerequisite to such profits. The Tularosa Cattle Company, one of Catron's investments, stated as its purpose: "to purchase, lease, buy and sell water rights, and charge rental and toll therefor."[34] Altogether Catron was involved in three livestock corporations, one in partnership with the surveyor-general Henry Atkinson.

The coming of the railroad affected the livestock industry phenomenally. In 1870 there were fewer than half a million sheep and fourteen thousand cattle in New Mexico, whereas in 1890 there were one and a half million sheep and over two hundred thousand cattle.[35] With the decline of livestock production in England and the invention of the refrigerated car in 1870, British capitalists began investing heavily in the land and livestock industry in New Mexico. In October 1875, $2,800 worth of fresh meat was exported from the United States to England; two months later $10,700 worth was exported. By March 1877, approximately $600,000 worth was exported to Britain.[36] Property values increased commensurately, jumping from $41 million in 1880 to $231 million in 1890.[37]

Foreign capital investment in New Mexico meant competition with Anglo-American investors. Also, with international competition, New Mexico lands and resources became subject to the "underlying philosophy of economic exploitation of undeveloped areas."[38] At the same time, these entrepreneurs were investing in land in Australia, New Zealand, North and Southern Africa, Argentina, Brazil, Peru, Chile, and Mexico, in a context of international financial depressions. Many of the foreign speculators failed in New Mexico where Anglo-American investors, supported by the United States government, succeeded. The British investor Blackmore managed to wrest a large quantity of land from its original owners, though he purchased most of it from Anglo-American capitalists who had already acquired grants from grant heirs. In 1872 Blackmore had interests in or owned nine grants in New Mexico, valued at over one million dollars and totalling two million acres. His total investment had been little more than one hundred thousand

dollars. The problem for land-grant speculators was their inability to sell the land outright at a profit and their unwillingness to develop the land for colonization, since it was possible to secure high returns on short-term investments.[39] After 1873 federal policy restricting grant dimensions to eleven square leagues for Mexican grants and four square leagues for Spanish grants was beginning to take form, and anticipated profits were not realizable, for there would be no more Maxwell or Sangre de Cristo bonanzas. Speculators did, however, perform the important function of dispossessing the many subsistence owners of the land essential for capitalist development of the area.

Land speculation had a long-term effect on land tenure in northern New Mexico, but the most immediate direct influence on village and Pueblo economy and land tenure was the mercantile capitalist. In spite of the capitalization of land and resources in New Mexico and the gold strikes of the era, currency was scarce. Mercantile capitalists were able to acquire surplus funds which provided much of the money for large-scale investments in the territory until railroads, banks, and the national government were firmly established. Merchants and land-grant lawyers held the key to capitalist economic development in New Mexico up to 1878.[40]

In many less developed parts of the world during the nineteenth century, mercantile capitalists flourished alongside industrial capitalists, together determining the mode of colonialism. Their success rested on several considerations: they were able to acquire scarce currency for the purchase of foreign goods in the absence of a system of indirect credit; and they were organized to carry goods over long stretches of water or vacant lands to their destination. The merchants' source of commodities in remote regions were the petty-capitalist farmers, loggers, trappers, and small specialists. These commodities were then sent to industrial centers for credit against which money could be drawn. The merchant, thereby, became the dominant source of credit for the small operator as well as for the capitalist.[41] Mercantile capitalism, overshadowed in industrial areas by industrial capitalism in the late nineteenth century, thrived in colonial areas.[42] Even as a waning power, the mercantile capitalist left a mark on village land tenure and economy in northern New Mexico through the network of village stores and

trading posts. There sheep and wool were taken as payment in kind from subsistence farmers, transforming them into petty capitalists producing for exchange.

Other factors, in addition to the money-credit economy, forced Mexican farmers into increased dependency on land for grazing flocks, just at the time that land was being expropriated from them. The defeat of resistant Indian peoples by United States Army campaigns that confined them to reservations completely severed trade relations which had been so vital to the villagers. Comanchero and cibolero activities were also suppressed and affected Mexican villagers profoundly.[43] Trade between villagers and Plains Indians, though under pressure from the United States Army for years, did not end until the Plains peoples were forced onto reservations when the bison herds, their economic base, were decimated.[44] The lack of trade and interchange between villagers and Indians tended to isolate the villagers as never before.

Sheep had thus become the only exchange item available to agricultural producers in the growing money economy, as well as being their source of meat supply. The money problem worsened with the imposition of direct money taxes on land in the 1870s. Since villagers had no cash income, this meant more than a social adjustment to a new institution for it was a change in their economy. During the 1860s and 1870s some farmers began to grow wheat to sell in the growing towns, military posts, and mining areas. A few prospered for a time, but most were unable to produce enough surplus to accumulate capital even to pay taxes, much less acquire necessary equipment and labor.[45]

By the 1870s resistance among the poor farmers of the Río Arriba was beginning to appear in an organized form.[46] In October 1870, Stanley Elkins requested troops from Governor Pile in Colfax County, Maxwell Land Grant Company land, when ejectment suits were met with riots by Mexican farmers.[47] Lamar attributes the violence in New Mexico during this period to the overlap of three American frontiers (a mining frontier, a ranching frontier, and a transportation and land speculation frontier): "Here for the first time in New Mexico was an area which resembled other American frontiers. In the fight for the spoils, however, the heritage of large private land grants, the absence of a public domain, and the existence of the Santa Fe

Ring immensely complicated the usually easy process of frontier settlement."[48] This rather simplistic explanation ignores key issues. The land itself required large holdings and access to water, and was thus unsuitable for unplanned competitative capitalist development. Also, for the first time, the U.S. colonization process was required to deal with a more densely populated, socially integrated, agricultural, indigenous population. Indian and Mexican resisted U.S. rule more effectively than was possible for the indigenous peoples of earlier frontier ventures. By the second half of the nineteenth century, moreover, entrepreneurs tended to enter newly acquired areas directly, unaccompanied by a flood of settlers. Finally, the United States government was bound by treaty agreement with Mexico to protect the property and rights of the former Mexican citizens, a fact which never eluded the Mexican and Pueblo population of New Mexico.

It is not clear whether Mexican farmers were aware that sale of undivided interests in grant lands meant the end of the use of common pasture lands; they certainly did not understand that their signature on a power of attorney or a consideration for their share of the commons meant that they had relinquished use rights. When the purchaser fenced the commons, as he had a right to do under Anglo-American land laws, the former users could no longer gather wood or pasture their flocks as they had done traditionally.[49] Thus, the reality of the people's loss of power under colonial oppression was made manifest.[50]

With popular and Populist party agitation, and a growing national sentiment against monopolists, a reform movement was begun in the mid 1880s in New Mexico. The Populists took up the cause of the popular forces and reduced resistance to political action. The Court of Private Land Claims was established, and it held strictly to narrow principles stating: "The mode in which private rights of property may be secured and the obligations imposed upon the United States by treaties fulfilled, belongs to the political department of the government to provide."[51] The Court refused to consider the Treaty requirements as a guideline to judgment, asserting that: "So far as the act of Congress (establishing the Court of Private Land Claims) is in conflict with the Treaty with Mexico, that is a matter in which the Court is bound to follow the statutory enactments of its own government."[52]

The refusal of a large majority of grants in New Mexico was based on the inability to prove satisfactorily that the grant was valid, that it had been granted by proper authority.[53] The single most important factor for those grants which were confirmed was the Court's policy decision to deny community ownership of pasture lands, reducing every community grant to its individual allotments. A well-known case, the San Miguel del Vado Grant, was originally a community grant on the frontier; by the turn of the twentieth century, it was dotted with settlements. The Court reduced its area from 315,000 to 5,024 acres, holding that unallotted lands used for common purposes remained vested in the sovereign subject to its control, and therefore fell to the public domain of the United States.[54]

Denial of the commons has remained a controversial and explosive issue in northern New Mexico, and the policy has perplexed legal authorities. It is possible that the policy was directed toward the Cañon de Chama Grant specifically, as well as community grants which had been acquired by land speculators who then sought confirmation. The Cañon de Chama Grant, purchased by Blackmore and then sold to the Río Arriba Land and Cattle Company, was in fact reduced from 472,737 acres to 1,422.62 acres by a Supreme Court denial of the commons.[55] Other large grant claims, such as the grant claimed by heirs of the Otera family were similarly denied.[56] If the policy was based on maintaining United States government control in New Mexico by limiting monopoly control over the land and livestock industry, then the communities affected were the victims of a high-level power play, rather than the object of attack; nevertheless, the spirit as well as the letter of the Treaty, and existing precedents, were clearly violated. Perhaps the policy was seen as "killing two birds with one stone," that is limiting monopoly control *and* dispossessing the majority of the people.

Despite the economic similiarity of Pueblo and Mexican village land tenure on the eve of conquest, the fate of the groups under United States control was quite different due to United States colonial policy and Pueblo strategy for defending their lands. The Pueblos experienced economic problems similar to those of the Mexican villagers, such as the cost of litigation and an increasing dependence on mercantile capitalists in the

growing money economy. But the Pueblos faced an additional set of problems under the United States government's "Indian policy." Their lands were particularly desirable to speculators, who justified their widespread encroachment by asserting that Pueblos were not Indians, but rather Mexican citizens who should be allowed to sell their land. The federal government faced a perplexing situation with the Pueblos who were settled in villages and were self-supporting, and who, in addition to being citizens of Mexico, had special privileges and immunities as indigenous people. Not until 1913 was a policy for the Pueblos established; in the interim, considerable amounts of Pueblo land were lost.

The surveyor-general in 1856 recommended confirmation of seventeen Pueblo titles, which were approved by Congress in 1864.[57] Controversy over the legality of Pueblo sale of land raged in New Mexico during the territorial period. Non-Pueblo squatters and purchasers of Pueblo lands maintained that Pueblos, as Mexican citizens, had the right to alienate their lands. Territorial courts supported this claim by consistently holding that the Pueblos were citizens with the right to sell their land. A United States Supreme Court decision of 1876 declared that Pueblos had complete title to their lands and could dispose of them as they wished. Yet the same decision denied the Pueblos the status of United States citizenship.[58]

The only avenue open to the Pueblos for protection of their lands, therefore, was to seek federal trust status as Indians. They continued to fight in the courts until finally, in 1913, the United States Supreme Court reversed its earlier decision and declared the Pueblos wards of the federal government stating: "They are essentially a simple, uninformed, inferior people."[59] Those who had bought or settled on Pueblo lands attempted to evade the decision. A congressional investigation of the situation disclosed that approximately three thousand non-Pueblo claimants, representing twelve thousand individuals, were within the boundaries of confirmed Pueblo lands.[60] Not until 1924, with congressional enactment of the Pueblo Lands Act, was the situation partially settled.[61] By the mid-1930s, all land titles were settled by compromise and many non-Pueblos were evicted from Pueblo lands.[62] What was finally settled on, however, was a good deal less than what had been originally patented. The issue of control of water was of course crucial, but

not until the 1960s were the Pueblos able to organize a campaign for their water rights. As Felix Cohen has put it: "The Pueblos had faced the choice of being treated like other Indian tribes and subjected to federal control of their internal affairs or being treated like non-Indians and finding themselves cut loose from federal services and their lands cut loose from federal protection."[63] For Pueblos, as for Mexican villagers, in the late nineteenth century, the necessity for wage labor increased, along with debt bondage. Expansion of the land base became impossible and the reservations became social enclaves surrounded by antagonism and racism.

Ecological destruction resulting from colonial exploitation also affected land use in northern New Mexico. The pressure of increased herds in the second half of the nineteenth century was disastrous. Before the U.S. colonial era there had been no heavy grazing, extensive cutting of timber, or pumping of underground water, but those activities increased sharply and rapidly during the territorial period. The increase in cattle grazing destroyed much of the soil-holding grass which was then displaced by weeds that do not protect the topsoil, resulting in soil erosion. Commercial timber cutting similarly caused erosion and rapid runoff, resulting in floods and even more destruction to the grass cover. Increased commercialization of the upper reaches of the watershed, in what is now southern Colorado, used up the flow of water at its source, causing the abandonment of a great deal of irrigable land in the Middle Río Grande Valley. Flooding had a similar result, through silt deposits and newly created swamp conditions. The landscape of the Middle Río Grande Valley prior to 1880 has been described as grass covered to a height of from four to eight feet. By the late nineteenth century, only patches of grass remained. Snow and rain runoff, which at one time provided the valley evenly with essential moisture for planting, now cut erosion trenches, some three hundred feet wide and thirty feet deep. Shallow drainage depressions which had helped to spread runoff evenly were replaced by arroyos, which rather than spreading the runoff actually drained off river water, lowering the water table. By necessity irrigation declined in the valley after 1880, from 125,000 acres to 50,000 acres in 1896.[64]

Colonialism in northern New Mexico found its expres-

sion in a collusion of local economic and political interests aided by collaboration from the federal government, designed for harnessing the resources of the territory. When it had been sufficiently colonized, the federal government stepped in to assert control over private monopoly interests, particularly the railroads and mining interests, actually in the interests of the ascendent industrial capitalism. The federal government did not assume the responsibility for protecting original land grantees as had been agreed in the treaty with Mexico, but rather developed a policy of limiting the powerful speculators who had dispossessed agricultural producers from the pasture lands by acquiring vast holdings in the territory.

Another crucial aspect of colonialism remains a primary element today: racism. The period of land-claim disputes was one of intense racial prejudice accompanying an imperialist thrust on the part of the United States government and business interests, resulting in the conquest of the Philippines, Puerto Rico, and Cuba.[65] The anti-Spanish and anti-Indian sentiments of the times combined with a basic anti-black racism pervaded every U.S. institution. The biased attitude toward land-grant claimants is exemplified by a statement of one of the judges sitting on the Court of Private Land Claims in Santa Fe:

> Occasionally the court room at Santa Fe would be enlivened by a squad of Indians who had journeyed thither from their distant Pueblos as witnesses for their grant. These delegations were usually headed by the governor of their tribe, who exhibited great pride in striding up to the witness stand and being sworn on the holy cross; wearing a badge on his breast, a broad red sash round his waist, and clad in a white shirt, the full tail of which hung about his Antarctic zone like the skirt of a ballet dancer, and underneath which depended his baggy white muslim trousers, a la Chinese washee-washee. The grave and imperturbable bow which the governor gave to the judges on the bench, in recognition of their equality with himself as official dignitaries, arrayed in that grotesque fashion, was enough to evoke a hilarious bray from a dead burro.[66]

The pervading racism bred by colonialism has tended to cloud the land issue in northern New Mexico producing the view that it is a product of cultural differences, rather than of basic economic processes within a capitalist society.

6
Land Tenure Under Capitalism

> Apologists for capital call social wealth the increase in social productive power of labor, not only for the benefit of the capitalist but for the laborer, but it does this by crippling the individual laborers. It creates new conditions for the lordship of capital over labor. If it presents itself historically as a progress and as a necessary phase in the economic development of society, it is also a refined and civilized method of exploitation.[1]

The Court of Private Land Claims completed its work in 1904. New Mexico did not become a state until 1912 owing to the preference for undemocratic territorial status on the part of mining interests, merchants, railroads, and many large land owners.[2] One authority on the New Mexico statehood question has attributed the opposition to Anglo-American chauvinism toward the majority Mexican and indigenous population.[3] New Mexico's long-time status as a territory allowed a continuance of colonial-like conditions and uncontrolled economic exploitation of resources and labor. On the other hand, Anglo-American infiltration of the area was limited by territorial status so the worst results of United States conquest, economic exploitation, and land losses were to have a delayed affect on the subsistent farmers. Until Anglo-American settlers entered the area in increased numbers, and land became scarce with increased competition over water supplies, life in the Mexican villages and Pueblos was not unfeasible, though deeper and deeper impoverishment and dependency developed.

None of the settlements of northern New Mexico was self-subsistent by the late 1930s. In the Taos Valley, the percentage of tax collections on property decreased from 64 percent in 1934 to 46 percent in 1936.[4] The decline in sheep raising was dramatic. In 1900 there were 1,732,000 sheep, and in 1935 there were only 669,000. Cattle production did not increase during the period remaining at about 250,000. Since sheep had become the poor man's cash, the decline reflected on Mexican and Pueblo

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village economy, indicating that cash was sought by other means. In the 1930s many farmers sold their lands and sought work elsewhere. Pueblos, too, began leaving their reservations for seasonal or permanent jobs. Not only the loss of the commons and the inability to expand, but also the deterioration of the soil and lack of water with increased population and the great drought of 1934 forced farmers into wage labor.[5]

Though loss of the commons was not the only factor causing the decline in agriculture for the Mexican villagers, when the depression and drought came the villagers could no longer fall back on sheep raising as an alternative to farming because there were limitations on the use of pasture lands. The effects of the loss of the commons at the turn of the century did not hit northern New Mexico immediately. An example is the small settlement on the San Miguel del Vado Grant, El Cerrito, which was left with only 117.65 acres of land.[6] By 1940, the settlement was practically a ghost town like many other villages of the north. Formerly there had been numerous villagers who owned thousands of sheep. By 1940, only two or three farmers owned a few hundred sheep each. Men left the village, sometimes for six months at a time, to work in Utah and Wyoming sugar beet fields and mines, and as shepherds. The pattern of part-time irrigated farming and migratory work was set by the 1940s.[7] The public domain acquired from the San Miguel del Vado Grant commons was surveyed in 1916 and soon after was open to homesteaders. By 1940, the original residents and their heirs comprised 83 percent of the population on the grant but held only 5 percent of land, while a few Anglo-American homesteaders controlled the remainder.[8]

Since sheep had become practically the sole cash commodity of the northern farmers, the loss of common grazing land made dependence on subsistent agriculture unfeasible and at least part-time wage labor outside the villages was required. Farmers who did not have adequate land to harvest grain for the market, which most did not, had been able to obtain cash by raising sheep, using the commons for grazing. As a result of the loss of grazing lands and depletion of soil and water resources, migrant labor to mines, lumber camps, in agriculture, for the railroads, and on cattle ranches steadily increased. By the 1940s the principal economic surplus of the area was a supply of cheap rural labor. Less than 10 percent of the rural population of

northern New Mexico was totally dependent on land for subsistence though many villagers provided themselves with food supplies through gardening.[9]

Pueblos also had to turn to pursuits other than farming for subsistence. The damage to the river water supply affected Pueblo agriculture adversely. Tourism, crafts, and wage labor were required to supplement agriculture and gradually replaced agriculture as the primary means of livelihood. The Santa Fe Railroad had profound effects on the social and economic life of the Pueblos, not only by acquiring right-of-way which took the best Pueblo farm land, but also by employing thousands of Pueblos, particularly Lagunas and Acomas. A struggle between cattlemen, who were using Pueblo land for grazing, and the railroad to acquire the land did not benefit the Pueblos in either case, and both continued to exploit Pueblo land and labor.[10]

Though Pueblo land continued to be held collectively, inequities increased. The traditional methods of equalizing consumption continued, but it became impossible to provide unassigned arable tracts to the landless because no land was available.[11] As a result, class divisions developed among the Pueblos, a few being commercial operators, some subsistent, and some day laborers, with a high rate of unemployment. Many left their home for years, or permanently, to work for the Santa Fe Railroad in Arizona and California.

Encroachment on Pueblo land culminated in an investigation by the Seventy-seventh Congress, which disclosed that approximately 3,000 non-Pueblo claimants representing 12,000 persons were living on Pueblo land. Senator Holm Bursum of New Mexico introduced a bill which would have resulted in giving non-Pueblos means to obtain secure title to the land they were squatting on. The Harding administration supported the Bursum Bill. Section 10 of the bill would have taken jurisdiction of Pueblo water allocation and put it under state jurisdiction.[12] In 1922 the All Indian Pueblo Council reorganized with delegates from all Pueblos meeting in Santo Domingo. AIPC is the "oldest mutual defense league in the Western Hemisphere."[13] The Pueblos organized mass Indian and non-Indian support in fighting the legislation and they won, resulting in the 1924 Pueblo Lands Act. In 1933 the Pueblo Lands Act was amended to include arrangements for the reimbursement of losses and dis-

bursement of funds. "But a policy was also established . . . that the Pueblos, while being allowed to initiate the purchase of lands and water rights, and to authorize the expenditure of funds, may do so only with the approval of the Secretary of the Interior."[14] The largest mass organization to support the Pueblo struggle was the General Federation of Women's Clubs. Stella Atwood, Chair of the Indian Welfare Commission of the Federation hired John Collier as a field worker in the battle in 1922. This led to his appointment as Indian Commissioner under President Roosevelt (1933-45).[15]

The ability to organize gave the Pueblos a united defense that the Mexican villagers did not have. And, unlike the first half of the nineteenth century and under the Spanish when Pueblos and mestizo villagers united on nearly every occasion that they were seriously threatened, that unity did not appear in the first half of the twentieth century. The trust status, fought for and won by the Pueblos, put them in an entirely different relationship with the federal and state government as well as business interests. Though many economic aspects of their lives remained similar, politically the two groups pursued different methods of resistance under capitalism

Many of the Mexican villagers and Pueblos who did not abandon agriculture during the drought and depression years did so during World War II. Over half the young men of the villages and Pueblos joined the military or moved their families to areas where defense facilities offered wage labor. Villages were deserted though few landowners who left sold their land.[16] Mexican and Pueblo populations continued to fluctuate. Residents who moved, returned, usually only to leave again in search of jobs.[17] The distinction between the Anglo-American operator and the Mexican agricultural producer was marked. By World War II, the average acreage of irrigable lands for the Anglo-American in the Middle Río Grande Valley was 50 to 200 acres compared with an average of 5 to 15 acres for the subsistent Mexican farmer. The large operators also could afford to lease federal lands and Indian lands which Mexican subsistent farmers could not. Wages were low and jobs scarce in the area.[18]

Factors other than migration and money economy pushed northern New Mexico into the national capitalist economy. Most important was the federal government's establishment of the atomic energy industry in northern New Mexico

and the mining of uranium in the area. The crucial changes undergone between the 1940s and 1960s were several. Enormous capital expenditures by the United States government in the area accelerated a process which would have taken much longer otherwise. Probably, development under private investment would have also been different. Industrial capital followed the atomic industry to the area in massive force, and by the early 1950s the economy was transformed to a national capitalist mode. The merchant houses which had so prospered under the colonial-like economy engendered by speculative capital were displaced by national corporations and chain stores. Credit that had been extended by mercantilists to the poor was no longer available.[19]

Industrial development also brought increased American migration to northern New Mexico. However, wage laborers, rather than petty capitalists made up the majority of the newcomers. Other changes included a sharp decrease in subsistent farming in northern New Mexico in the 1950s.[20] Between 1954 and 1959, the number of farms of less than ten acres in size decreased by 67.3 percent, while the ten to fifty acre farms dropped 31.2 percent. Ranches over one thousand acres, however, increased by 8.6 percent.[21] Though the small operators were nearly all Mexican, the large ranchers were Anglo-American and Mexican. Class distinctions became clarified as they ceased to coincide so closely with ethnicity. The increase in large agricultural or stock operations came about through the buying of small holdings directly from the owners and through tax sales.[22]

Taxes and the bureaucracy associated with collection remained a major impediment to the survival of the subsistent farmer. One farmer reported that the county tax collector's office put his name and property on a list of delinquents. He discovered his name was on the list through a friend who worked at the court house in Taos. The farmer went to the tax collector's office to see the list and was told it had been sent to Santa Fe. He went to Santa Fe and was told the list was still in Taos. Returning to Taos, he was once again told the list was in Santa Fe. He made seven attempts to locate the list before succeeding in paying his taxes. Sharp practices by attorneys continued also. The same farmer told of a friend who had lost his farm in 1955 because of tax delinquency. Having hired a lawyer to defend his interests,

the farmer thought the land was safe. However, the lawyer took no action and in fact bought the land in question at the tax sale.[23]

Population figures illustrate the results of the industrial capitalist economy. During the period 1950-1960, rural population in northern New Mexico declined from 92,977 to 83,651, or 10 percent.[24] In 1940, a quarter of all New Mexicans lived in the seven northern counties. By 1960, the area held only one-seventh of the state's population. Approximately 8,000 or 20 percent of the people who left the area between 1940 and 1960 were in the twenty to forty year age group, while the state as a whole increased by 86 percent in that age group. On the other hand, the age group over forty years increased 7 percent in the northern counties, compared with a 2 percent increase for the state. The age group over sixty-five years rose 3.8 percent in the twenty-year period in the northern counties and less than 1 percent for the state. Some parts of the north changed even more radically than the average. Mora County, for instance, experienced a 100 percent proportional increase in the over-sixty-five age group. Not only was the population decreasing in the north in the 1950s and 1960s, but the young people made up the majority of the migrants. Mexican and Pueblo population remain the majority of the population in the northern counties except Sandoval County, where the Atomic Energy Commission is located at Los Alamos. In the northern counties, official unemployment ranges from 6 percent in some counties to 15 percent in others and is much higher among the Pueblos, explaining in large part immigration from the area.[25]

Consequent to migrations, a virtual abandonment of agriculture occurred. In Taos County, the number of farms operating in 1949 was 1,362, by 1959 only 674 farms remained. The acreage used for agriculture decreased from 532,775 to 299,639 acres.[26] The total value of agricultural products also declined in Taos County by 25.6 percent. For the northern area as a whole, agricultural production as a primary activity decreased approximately 70 percent. For most of the area only 10 percent of the population was engaged in agriculture as a primary occupation.[27]

The increased money and credit economy of industrialism put added pressures on the agricultural producers in the villages and Pueblos. With the growing need for automobiles,

trucks, and farm equipment in order to compete commercially, the farmers sought wage labor to acquire the needed cash to purchase such commodities. The proportion of land owned by small landholders compared to large operators remained small. In 1969, 8,066 landowners were assessed for 318,539 acres of land in Taos County, excluding Pueblo lands. Twenty-one landowners paid taxes on 208,207 acres, averaging approximately 1,100 acres each.[28] In Río Arriba County, 1970 tax notices indicate that 11,607 property holders owned 766,727.55 acres of land, and 70 of those owned 476,340 acres while 11,537 land holders owned 290,387 acres.[29] Mora County assessed 2,300 property owners for 1,609,090 acres, one third of the land being owned by 33 landowners.[30] In San Miguel County, 80 owners were assessed for 1,492,651 acres or over half the total property owned in the county.[31]

Fewer small landowners are selling land today. The land still held by small operators, however, does not constitute a substantial capital resource because land titles are largely unmarketable. Being defective, the titles fall into a possessory class, creating a low market value of $10.00 to $30.00 per acre, as compared to $600.00 to $1,000.00 per acre for irrigable land with marketable titles. Titles are defective because Mexican villagers frequently have not recorded title documents, resulting in a break in the chain of title with sales. The reasons for the reluctance to record titles are related to general distrust for the government regarding tax increases and lowered welfare benefits which might result from recorded property holdings.[32] The farmers are not interested in cooperating with attempts to clear titles. Since the advantage of clear title lies in its marketability and increased value with concomitant availability of loans, the Mexican subsistent farmer has little reason to cooperate, at least at the present, for few are interested in selling their holdings. Most villagers are not familiar with the credit economy and are not aware of the availability of federal and private loans available to property owners.

For state officials, the depressed condition of northern New Mexico is seen as related to the clouded condition of land titles that detracts from industrial development and efficient government. In addition, lowered tax revenues affect education and welfare programs adversely. One suggested remedy is to

require landowners to file with the land registrar in order to retain ownership of land. Critics of the idea point out that such a program would once again burden the moneyless small farmer with the costs of retaining attorneys, surveys, abstracts, and other procedures necessary in clearing titles.[33]

As indicated from the negative attitude of Mexican farmers to land title clearance, either the traditional attitude toward land has continued uninterrupted or the land grant movement of the 1960s reawakened the people to their rights and heritage. The typical response of Mexican villagers to questions concerning land tenure is that land is for the use of the community and for community welfare, based on customs rather than for profit. Further, there is little generational difference in the prevailing attitude. However, a marked difference between the poor Mexican villager and the higher income, higher status Mexican has been reported, the latter responding with capitalist notions of land tenure and use.[34]

Despite recognized class differences between the large numbers of poor Mexican people and the small number of affluent Mexicans in northern New Mexico, one prevailing sociological view of the area asserts a Mexican-Anglo dichotomy.[35] One authority has expressed the dichotomy by referring to the impact of the "Anglo-American political, legal, and economic systems" on the "traditional culture and the land-holding customs of the Spanish American."[36] The obstacles to economic planning are seen to lie in sterotyped attitudes of Anglo-Americans toward Mexicans, language barriers, and the inability of officials to identify the real leaders. The wealthiest and best educated Mexicans, rather than village leaders, are usually selected to represent the poor.[37] While these explanations have obvious merit, there are more issues involved.

Northern New Mexico is often compared to land areas which were colonized by Europeans in Asia, Latin America, and Africa.[38] The colonial mode presented itself in the United States' conquest of northern Mexico and in the conditions in northern New Mexico during the territorial period with the entrance of speculative capital and mercantile capitalism. The socio-economic situation, however, has changed. The intruders are now the majority of the population of the area and are growing in population in the most densely Mexican and Indian areas of the north. Economically, northern New Mexico has been

brought into the mainstream of the American economic system resembling other depressed rural areas of the United States — parts of the deep South and Appalachia — more than colonies of the Third World. Only the Indian reservations in New Mexico retain a colonial like relation with capital and with the United States. Northern New Mexico is a part of an internal capitalist system, product of colonialism which brought acquired territories into the national economy and political sphere. Today, the primary contradiction between poor Mexican villagers and the owners of the means of production is class. The Mexican-Anglo dichotomy does not adequately explain the land question of northern New Mexico today, though the racism involved in this dichotomy works well to separate Anglo-American, Indian, and Mexican workers.

The present situation, then, throws into question the issue of land tenure in northern New Mexico. Is the obsession with the land grant issue and the Treaty of Guadalupe Hidalgo reactionary, based on a notion of recreating the traditional past? Though there may be elements of conservatism involved, land remains the primary economic and political issue in northern New Mexico today, not only because of traditional or cultural distinctions, but also because land and its resources are still the primary commodities of capitalist production in the area. Therefore, the struggle over land in northern New Mexico, whether consciously expressed as such or not, is a class struggle, a struggle against monopoly. This is the key to the distinctiveness of land tenure issues in northern New Mexico at the present time. The notion of regaining lost land is not a mere fantasy. In 1970, after more than a half-century of litigation, mass struggle, and congressional debate, 48,000 acres of land were returned to Taos Pueblo, land which had been appropriated by the United States Forest Service in 1906. The victory of Taos is one of the few instances of land being returned to its indigenous owners rather than monetary compensation being made.[39]

The return of Blue Lake to Taos Pueblo has significance for Mexican villagers and Pueblos, as well as for other Indian peoples. As one witness testifying before the Senate Subcommittee on Indian Affairs, in opposition to the return of Taos lands said:

> The history of the land squabbles in New Mexico among various

> groups of people, including Indian-Americans and Spanish-Americans is well-known. Substantially every acre of our public domain, be it national forest, state parks, or wilderness areas is threatened by claims from various groups who say they have some ancestral right to the land to the exclusion of all other persons. Recently one of the more notorious claimants Reis (sic) Tijerina, was convicted in the Federal District Court for appropriating one of our national park areas and assaulting a park ranger who sought admission to the area. The group not only claims the park area as its own, but it has sought to set up that area as a completely separate country outside the United States and to establish its own government therein. This is only one example of the dangerous condition existing in this state which can only be fostered and encouraged by the present legislation if passed.[40]

Senators sitting on the Subcommittee also feared the precedent which might be set by returning land to claimants based on ancient use, treaties, and aboriginal ownership. Though the senators finally agreed that the Taos claim was sufficiently unusual to avoid establishing a precedent, the case has, in fact, set a precedent.[41] In a legal study of land claims, a legal authority points out: "It would seem that rather than being a unique case, the return of Blue Lake has, as opponents predicted, established a precedent."[42] Legal actions of Mexican villagers have not yet been brought to test the precedent.[43]

The senators were referring to the Alianza Federal de Mercedes, later called the Alianza Federal de Pueblos Libres, formed in 1963 to pressure for reconsideration of the land grant settlements and loss of the commons. The organization claimed that colonialism had robbed resources, depopulated the communities in northern New Mexico, and impoverished the people. The Alianza was composed of many poor land grant heirs and was identified primarily with a Texas-born Mexican, Reíes López Tijerina. In June 1967, the National Guard was dispatched with tanks, helicopters, and infantry to Río Arriba County in northern New Mexico in search of the agrarian Mexican rebels who had participated in the "Courthouse Raid" at Tierra Amarilla.[44] The incident and government response focused international and national attention on northern New Mexico briefly, and the land grant issue, which had been resolved in the courts of law for more than sixty years, was once again a live issue.

The Alianza was behind the several years of actions

which culminated in the United States military assault on the mountain settlements of the old Tierra Amarilla Land Grant in 1967. Land is the fundamental, if not the single issue of the Alianza.[45] Along with such actions, the organization and others undertook community projects to decrease the economic suffering and dependency of the villagers. Proposals were formulated which would establish a new land claims court to reopen the land grant settlements. Another proposal would establish a federal agency based on the requirements of the Treaty of Guadalupe Hidalgo for the United States to protect the property of the former Mexican citizens. Lawsuits are being drawn for the reopening of land grant settlements. In a parallel development, the Pueblos continued their vigorous battles for land and water rights. Land tenure, without exception, is the major political and social issue of northern New Mexico today.[46]

The population of the Pueblos in 1973 was 25,491. Their land comprised two million acres, or 8.75 percent of the land in New Mexico, with 25,000 acres irrigated. The central issue in New Mexico today is the Pueblo struggle for water rights and, thereby, political power.

The water rights of Indian peoples are in direct conflict with state preemptive rights in this field. State courts have adjudicated water rights. Indian water rights, however, are "implied reservations" which accompany land no matter by what means land was acquired or is held. The implied reservation includes the use of certain waters. The implication follows that additional reservation of necessary water is allowed to facilitate land use that was intended when the Indian reservation was established. The Winters Doctrine, arising from a court case favorable to Indian water rights, is based on the theory that the federal government reserves power over federal lands which includes the necessary water supply.[47] "Prior appropriation" is the theory of water use in most of the western states, and under that doctrine, "diligent enterprise" is a factor determining the amount of water allowed. Indian water rights, however, under the Winters Doctrine, are based on need, not achievement.[48]

In 1973, United States District Judge H. Vearle Payne ruled in *Reynolds v. Aamodt* that the Pueblos were subject to the same water rights as non-Indians, stating that the Winters Doctrine did not apply. "I do not believe that the decisions of the United States Supreme Court in the Winters case or in the case of

Arizona v. California are exactly in point because in each of those cases the court was talking about Reservation Indians and for various reasons . . . the situation of Reservation Indians is not the same as Pueblo Indians."[49]

Tesuque, Nambé, Pojoaque, and San Ildefonso Pueblos had brought the lawsuit. The issue is whether the state and the state engineer shall have jurisdiction over Indian water rights and usage, or if the federal government would continue to have jurisdiction. The state asked the court to limit Indian water rights to their historical or present "beneficial use," and to place control of the watershed, surface, and ground water, under the state engineer. The case is still on appeal to the United States Court of Appeals.[50]

The All Indian Pueblo Council charged the United States government with failure to prepare the case adequately and conducting the case so that the Pueblos would lose. In October 1973, just after the district court decision, San Felipe, Santo Domingo, and Santa Anna Pueblos prepared a resolution condemning the decision, they charged "intolerable conflict of interest" stemming from:

> the efforts of the attorney general and the Secretary of the Interior in their purported claim to be acting for the benefit of the Indian people but in truth and in fact are really nothing more than a masquerade fronting for giant economic interests whose primary programs are both self-serving and totally confiscatory of all Indian rights to land and their use of water.[51]

The All Indian Pueblo Council endorsed the resolution.

Frank Tenorio, Chairman of the Water Commission of the All Indian Pueblo Council, said at a 1974 congressional subcommitee hearing:

> The attitude has been that the rights of the Pueblo people are insignificant when put next to the position of large scale land sales to easterners and the reservoirs of the water skiers and sport fishermen. We did not derive our rights from any sovereign, but these rights are our immemorial rights which our forefathers knew and handed down through the generation to us, to cherish and protect. There is a blatent conflict of interest in the water rights issue. Indian tribes are under the jurisdiction of the Department of Interior. So too is the Bureau of Reclamation whom we must fight to protect our rights.[52]

In a multitude of ways the role of the United States government and its collusion with monopoly capital is exposed in northern New Mexico by the peoples' struggles. Much of the land in northern New Mexico which was formerly commons is now the Carson National Forest, also a principal target of the Alianza.[53] The Forest Service restricts grazing licenses, purportedly to protect the vegetation and soil. Because livestock grazing areas may be used only with permits, grazing is strictly limited. Presently in Taos County there are some 500 grazing permits, averaging 27 cattle per permit.[54] Particularly in regard to lands held by the federal government as national forest areas, which is one-third of the land in the state, Mexican and Pueblo people have strong claims, since the dispensing of public land is within the powers of Congress.[55]

With the Atomic Energy Commission the central force of industrial capital in northern New Mexico, the presence of large reserves of uranium is central, not only to the economy of the area, but to the national political economy. It is estimated that approximately 50 percent of the uranium reserves in the entire country is located on Indian owned land in the west. The Grants Mineral Belt is a region of the northwest part of New Mexico that contains 25 percent of uranium reserves of the national total. Navajo, Jemez, Laguna, Zia, and Zuni own the land in the region. Only the Navajos and Laguna Pueblo have leased their land for exploration and mining. Indian people are fast becoming aware of the power they hold controlling the uranium supply and are working to implement programs of development and trying to eliminate dependence on the multinational corporations. But, the Indian governments are under the Department of Interior which has control over when, where, and how much Indian land can be developed. Most of the uranium leases were signed in the 1950s when the price of uranium was much lower. Indian people receive approximately 15 percent of the sale price of uranium. Unemployment in the uranium mines and mills runs 9 percent, much higher than the national average. The mining operation requires 13,279 gallons of water per minute for operation, which depletes the water supply on Indian land. And radioactive pollution of the water supply is becoming a serious concern.[56]

The relationship of resource development and Indian peoples in the United States is not just a twentieth-century

phenomenon as we have seen. Nor is the collusion of business and government in the exploitation of Indian resources a recent development. From its inception, the United States has created institutions and laws designed and redesigned in the interest of business. The very definition of colonialism and expansionism implies business-government cooperation. It was the formation of the corporation in the nineteenth century that most threatened the sovereignty of Indian peoples. The invention of the corporation coincided with the formation of monopolies and United States overseas expansion after the continent was militarily secured. "Industrial civilization" is not per se industrialization, as one authority points out, but rather it is a concept which justifies exploitation of resources without planning; exploitation and destruction of whole societies for progress; expansion without the regard for the sovereignty of peoples; individualism and competition as righteous character traits.[57]

Any discussion of resource development policy in Indian lands today must be framed in both the historical reality of "resource development" in capitalist and expansionist United States and the present reality of further development of the corporation into practically autonomous multinational and transnational corporations in the late twentieth century.

By the 1970s, federal energy development policy emerged which had to take into consideration the fact that decolonization was occurring worldwide and had severely curbed United States based transnational corporations in gaining energy resources at low cost. The national plan posed as a goal the self-sufficiency of United States production for the maintenance and growth of the United States economy and life style. The emphasis was on western resources as a temporary means of energy development while nuclear power was developed. Since much of the resources mapped out for exploitation, in order to enact the plan, are on Indian land, parallel legislation was introduced to abridge Indian treaties, water, and jurisdictional rights.

In New Mexico, the Jicarilla Apaches in the north and the Utes are rich in oil and gas. Laguna Pueblo and the New Mexico portion of the Navajo reservation are rich in uranium. The United States government is obligated to protect Indian lands and resources from intrusion and unfair exploitation, but Indian land does not belong to the federal government to do

with what it pleases. A national energy policy cannot assume that Indian resources are part of the national reserves.[58] Monopoly intrusion in New Mexico is intense. Among the top leaseholders are the most powerful multinational corporations in the world — Anaconda, Kennecott, Peabody, Utah International, Shell, Gulf, AMAX, United States Steel, Atlantic Richfield, and others. The nonrenewable resources will be extinguished in twenty to fifty years if exploitation continues at the present rate. The side effects of rapid mineral exploitation includes overuse of water, irreparable destruction to the land and ecosystems, and economic chaos. The impact of technological development on existing values is hardly considered.

The United States government, through the Economic Development Administration; the Department of Labor; Department of Health, Education and Welfare; and the Office of Economic Opportunity became the main sources of funding for reservations in the 1960s and 1970s. Government programs stress the creation of jobs, using the cheap labor available in Indian reservations, and tourism. There are intense efforts to persuade industry to locate in the reservations. "The fact that the jobs created may be rendered obsolete in five or ten years is often overlooked, even though technological change may leave in its wake the same kind of brutalization and haphazard urbanization that has occurred in many instances in small towns and cities throughout the country."[59] The kind of light industry which has been willing to establish in Indian reservations and in other colonial areas of the world does so mainly to take advantage of the cheap and abundant indigenous labor supply. The experience with Fairchild Corporation in Shiprock, Navajo Reservation, exemplifies the transitory character of such industry in reservation and colonial areas.

Fairchild Corporation was the largest industrial employer in New Mexico in 1975 and the largest employer of Indians in the United States. In 1969, when the plant at Shiprock on the Navajo Reservation in New Mexico opened, nearly 1,200 Navajos were employed. During 1974-75, the Navajo work force shrank to 600, reportedly due to "resignations," claimed the Mountain View, California main office.[60] Non-Indians were being hired to replace Navajos. Statistics on the Shiprock Fairchild plant belie the idea that Indian workers are undependable and unstable. The failure rate in production at the Mountain

View facility was 30 percent compared with only 5 percent at the Shiprock plant in 1974. What was happening in 1974-75 that led to layoffs and finally Fairchild moving the plant, was that Navajo production workers were attempting to unionize. An occupation of the plant by workers and supporters in February 1975, gave Fairchild the pretext it sought to break its lease with the Navajo government and pull out immediately. The plant had been built to Fairchild's specifications at a cost of $3,301,267 and had to be remodeled to lease to another light industry assembly plant, which also left, and the building stands empty.[61]

Indian government management of resources is often severely criticized by Indians and non-Indians. In order to understand the weak position of Indian governments, the characteristics of underdevelopment must be the context. The idea of the stagnant, traditional society is common among technocrats when they look at the underdeveloped world today. Individualism and private interest are the criteria used when coming to such conclusions. Lack of entrepreneurship is regarded as the main characteristic inhibiting development of underdeveloped areas. Indigenous culture is said to be in the way.[62]

Actually, underdevelopment spontaneously reproduces itself. The reproduction is associated with the external factor of economic penetration. The distorted character of the reservation economy itself provides the basis for maintaining dependency, creating increasing gaps between the reservation economy and well-being and that of American society. Income redistribution through the creation of jobs, aid, grants, or contributions is illusory and has short-term effects. A combined solution is seen as necessary including both development of profit producing enterprises, such as mining, which produces few jobs, and development of the traditional economy which would create productive work, the latter requiring the aid, direction, and support of the Indian governments. Cooperative self-help in agriculture, irrigation, building roads, and many other projects may be possible without major investments in machinery and without wage labor from outside management, but rather through cooperative sharing of profits generated from production and redistributed equitably by Indian governments in services and payments.

Politically, the rights of Indian governments and peoples to self-determination are essential to reservation

economic development. This requires that United States trust responsibility be enforced in terms of legal and human rights of Indian peoples and the abandonment of the colonial relationship. The political struggle with the federal government and with the state of New Mexico is seen as inseparable from and is an integral part of the internal economic development of the reservations.

For the past half century, economic development in northern New Mexico has been toward a capitalist economy within the economic system of the United States with an almost total proletarianization of the agricultural producers. However, the persistence of the Mexican villages, the Pueblos winning United States trust and securing their lands, the existence of the Mescalero and Jicarilla Apache reservations as well as the resource rich part of the Navajo reservation in New Mexico are factors which have created a counterforce to unlimited monopoly capital development. Land, water, and mineral resources remain the essential capitalist commodities in the area. Control of land and resources in northern New Mexico is the key to control of the political economy of the region, and whoever controls will have a definite impact on the entire national political economy.

Conclusion

Though northern New Mexico was drawn into the United States national political economy, and the dispossession or dependency of the agricultural producers in that region were analogous to a general development in land tenure in the United States, northern New Mexico is, nevertheless, peculiar in the relationship of the Pueblo Indians and Mexican villagers to the socioeconomic structure of the area. The present land struggle in northern New Mexico, for Pueblo Indian and Mexican villager alike, is also a struggle for cultural preservation, a continuation and revival of their heroic history. The social relations which grew out of common ownership of land and the sharing of the most vital resource, water, produced community integrity which has maintained a strong pull on the villagers even when they are forced to leave for jobs. Cultural survival for the indigenous people in northern New Mexico, whether they are living on the land and commuting to jobs, or living as displaced people in urban poverty, or living part of the year on the land and the rest as migrant farm workers, is concerned not just with language and identity, but also with the preservation of community bonds and their continuance as communities.

Cultural integrity is an important and complex question in northern New Mexico. Regarding the Pueblo Indians, the question has been posed in this way:

> Did the Río Grande Pueblos survive as ethnic units because their organization and activities had enough in common with frontier Spanish culture so that they could retain much of their identity with only a minimum of acceptance of western European ideas by applying different meanings through substitution, alteration, and/or non-acceptance? Or did their culture survive because continuing support for Spanish frontier missions and civil government was not provided in sufficient quantity to override and Hispanicize the indigenous societies and their concept of the Spaniards' way of life as being outside their Pueblo world?[1]

Here, cultural survival is conceived as passive, that is, it is dependent upon what the colonizers did or did not do. This is a distortion of reality, because, in fact, it is active resistance which assures survival. The Pueblo Indians survived as peoples in

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struggle against colonialism and exploitation. Their present culture is a product of that historical resistance, not a static "cultural survival." Pueblos no longer function from the same economic base as in ancient times. Their agriculture was altered long ago when livestock was introduced and irrigation systems were expanded and metal tools introduced. History did not stop for the Pueblos with the arrival of the Spanish. In resisting colonialism, the Pueblos affected its form and in turn were changed in the process. The Pueblos have been a vital, active part of the history of northern New Mexico, not a people in suspended animation. Pueblos who left or were removed from their own communities in the seventeenth and eighteenth centuries influenced the Spanish village settlement patterns profoundly. Official policies and Spanish customs, language and practices, in turn, affected Pueblo economy and culture. Colonial rule forced the Pueblos to practice many activities, including plans for revolt, in secret. This has affected Pueblo society of today.

With the entrance of the capitalistic economy, the Pueblos were able to maintain a larger proportional land base than the Mexican settlements. The Pueblos' long-term organization allowed them to carry out unified resistance to United States colonialism. However, the entrance of twentieth-century industrial capital, the inability to expand the land base, and the advance of a money/credit economy, wiped out the subsistent agricultural potential for both Pueblo Indians and Mexican villagers. Neither could compete commercially. The majority of both groups was transformed into laborers, though many Pueblo artisans developed crafts for the tourist industry and the national market; but these pursuits were completely divorced from agricultural production and normal cultural practices. Crafts as commodities for exchange is a recent development related to the demands of a capitalist economy.[2]

The Pueblo Indians, though socially and politically distinct, and maintaining their own land base, are within the United States economy and are economically dependent. Without economic viability there is no assured social and cultural integrity. The fight for political and economic rights continues to be a part of their development. Cultural integrity is related to Pueblo land tenure still. Though land no longer provides primary subsistence, the political power of holding some two million acres of land in New Mexico and vital natural resources, and

the potential for controlling water distribution in the area are related to both resistance to colonialism and cultural integrity. But the control of land and water is also related to the citizenship status of the Pueblos as a part of the Republic of Mexico. As Mexican citizens, Pueblos are protected under the Treaty of Guadalupe Hidalgo which puts them, under United States jurisdiction, in a strong position. The confirmation of Pueblo land was based on the Treaty which guaranteed property rights of Mexican citizens, not on ancient rights as aboriginal people. Only after such confirmation did the Pueblos begin the struggle for United States trust protection as Indians. Whatever power gained in terms of land and water control rests on the Treaty and, of course, even more important, on the political astuteness of the Pueblos.

A distinction must be made between property in its economic and legal aspects and property considered as a social institution. The land question of the Pueblos, and of the Mexican villagers, is fundamentally an economic question, but as it involves the survival of human societies, it is therefore a social question.[3]

The isolation and enclave character of the Indian Pueblos and other Indian reservations have severely limited communication between non-Indian and Indian. The powerful transnational energy corporations, land speculators, power companies, traders, ranchers and farmers view Indian land and resources as untapped or not fully tapped reservoirs of water, mineral and timber wealth, vacant lands, cheap labor and potential markets. Pervasive racism, endemic to the economic and political roots and institutions of the United States allow for often brutal and oppressive and exploitative discrimination against Indian people. Police brutality, excessive arrests and imprisonment, vigilante harassment, including murder, mutilation, torture, rape, and terrorism prevail. The American public has little structural framework for conceptualizing Indian legal and human rights. This means that not only business and local governmental interests view Indians and the reservations negatively, but also that the country's population views Indians as excessively protected and privileged. Since they also see Indian poverty, unemployment, alcoholism, and extremely poor living conditions, they tend to attribute the cause to the victim. Many

believe that Indian cultures severely limit Indian "progress." On the other hand, some scholars want to "preserve" Indian cultures so they oppose change or development. Both attitudes are detrimental to Indian development and self-determination.

Many similar problems arise for Mexican communities in New Mexico. The predominant Mexican land tenure pattern developed in the final half century of Spanish colonial rule. Settlers were drawn from the large population of pauperized Indian peoples and from the servant class. All were "Hispanicized" and intermarried. Though Catholic, they developed their own variety of Catholicism, and they spoke their own Spanish. They were poor people and, until they acquired land grants, they were landless — a laboring class. The community land grants transformed lower castes from an outcast group to a propertied element, and though still poor, they could develop their own autonomous communities. These subsistent agricultural producers were distinguished by two major characteristics. First, they were primarily of indigenous racial and cultural heritage which, when detached and mixed, became a new people and culture born of resistance to colonialism and struggles to survive. Second, though agricultural producers, they were neither peasants in the classic sense, nor were they farmers in the sense of the "yeoman" farmer, the entrepreneurial Anglo-American farmer.[4]

The latter point is important for understanding the historical tenacity of the Mexican villagers, as well as their present outlook. They were independent and owned their own land but were also drawn into cooperation due to their economic base — irrigated farmlands and shared use of pasture lands — and culturally, inherited Pueblo communalism. The common pasture lands were not owned by a landlord who granted their use to his tenants. The pasture lands were part of each community grant and their use was controlled by the community. Loss of the common pasture lands through sales to speculators and through the "legal" taking by the courts, destroyed the potential for the northern villagers to succeed. They entered the labor market even when they retained their small holdings. However, the struggle to regain the lost land is active and the communities remain a reality.

The process, then, followed the course of capitalist

development. For the land tenure question in northern New Mexico to be understood, the focus must be upon the relationship of the former agricultural producers to capital, not just on the cultural relationship of Mexican or Pueblo Indian to Anglo-Americans. In reality, a class struggle is being waged by the indigenous peoples and former Mexican citizens in northern New Mexico. The most powerful corporations in the world, often in collusion with elements in the federal and state governments, extract mineral and other natural resources, as well as the surplus value from cheap labor, reaping fantastic profits and destroying the delicate environment.[5] The peoples' struggle against these exploitative forces is not only courageous and admirable, but inevitably will have a profound affect on the future of the Southwest and the national socioeconomic development.

Notes

INTRODUCTION

1. Two approaches may be taken to land tenure history: legal and socioeconomic. A legal history of land tenure would trace the controlling laws of property and their changes through time. Under a common law system such as the Anglo-American, the history of pertinent court cases would be analyzed to assess the emergence of a new or varied property concept or doctrine, as well as considering legislation which creates means of land distribution. Under a civil law code such as that of the Spanish and Spanish-American, royal proclamations and orders and acts of cortes and congresses would be studied to establish the legal concepts of property holding and distribution at a given time.

The other approach, a socioeconomic history of land tenure, assumes that any change in property ownership or property rights produces profound social and economic consequences. As an authority on land tenure has stated: "The patterns of land distribution and ownership reflect the actual power structure; and the saying 'whoever owns the land wields the power' holds true for entire historical epochs." Erich Jacoby, *Man and Land* (London: Andre Deutch, 1971), p. 19.

2. Howard Lamar, *The Far Southwest, 1846-1912* (New Haven: Yale University Press, 1966), p. 201; Herbert O. Brayer, *William Blackmore* (Denver: Bradford-Robinson Publishers, 1949); Victor Westphall, *The Public Domain in New Mexico, 1854-91* (Albuquerque: University of New Mexico Press, 1965).

3. In order to locate the roots of capitalist development of land tenure in northern New Mexico, the distinction between property for use and property for exchange, as a commodity, must be sought. Here, the historical materialist analysis of Karl Marx is pertinent. Land in noncapitalist societies serves use values, rather than having exchange value. Not only land, but objects and resources in general are not by their inherent nature subject to exchange value. A commodity is nothing more than "an object outside of us, a thing that by its properties satisfies human wants of some sort." Only the utility of a commodity creates its use value. In capitalist production, unlike subsistence, use values are also the material of exchange value. In directly satisfying his needs with the use of his own labor, a person creates use values, but not exchange values. In order to produce a commodity for exchange, social use value or use values for others must be produced. Further, the product must be transferred by means of an exchange.

In an agricultural subsistence economy, articles produced within a social unit — the village, family, or clan — are not commodities for exchange. For these objects to acquire exchange value, their producers must be in relations with others so one does not part with the object or appropriate that of another except by means of an act of mutual consent, a contract, formal or informal, in which they recognize in each other the rights of private owners. The commodity then acquires exchange value.

The situation is different in societies based on property in common. A precapitalist mode of exchange occurs first, not within the social unit, but on the outer fringes of the community, at its contact point with other communities or individuals from other communties. Repetition of exchange creates a need for more exchange, and some production comes to be geared toward producing commodities specifically for exchange. From that point in time, there is a distinction between the utility of an object for consumption, and its utility for exchange. In ancient times and in early historic times, nomadic peoples were the first to develop the exchange form, their worldly goods consisting of moveable objects which were directly alienable. Their continual contact with foreign communities in their movements engendered trade relations between the nomadic and sedentary peoples.

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Money, coined from precious metals, early became a convenient means of exchange, and itself a commodity which served as a measure of value. Having no inherent value, money is pure exchange value. However, it is a commodity, and has the potential of becoming the private property of an individual, creating accumulation of wealth. Credit money grows out of the function of money as a means of payment, becoming the dominant form of exchange as capital advances, with coin money thereafter relegated to retail trade. As money and credit become the dominant forms of exchange, rents and taxes are transformed from payment in kind to money payment. The dispossession of the agriculture producers of their lands, historically, has been due, not only to increases in taxes and rents, but also to the introduction of money payment, money being a commodity rare to the subsistent producer.

Capital is not created by money and credit alone. Only through the increase over the original value when a commodity is bought and when it is resold, when surplus value or profit is created, is the conversion to capital made. The distinctiveness of the capitalist is he does not aim at acquiring use values from commodities, or simply profit from a single transaction. Rather he seeks to create surplus value toward the end of accumulation of wealth. The key to assuring surplus value lies in the acquisition of another unique commodity — labor power. Under the capitalist mode, the laborer, instead of being in the position to sell commodities within which his labor is a part, must instead offer for sale, as a commodity, his labor power.

Capital can only emerge when the capitalist has attained control of the means of production, gathering together the property once held by many hands, and concentrating it in his own hands. Once dispossessed of his means of production, the agricultural producer meets in the market place with the capitalist to sell his labor. The laborer no longer directly produces his actual necessities; he produces labor power, which he sells to the capitalist, in order in turn to purchase his necessities.

Surplus labor time is then generated by the use of labor, creating surplus value or profits. Surplus labor did not originate with capital. Whenever a part of society has possessed a monopoly on the means of production, the laborer whether slave or free had to add to the working time necessary for his own maintenance in order to produce for the owner of the means of production. This was the relationship of the landlord and peasant in precapitalist Europe. However, where use value rather than exchange value predominated, surplus labor was limited by a particular set of needs, and there was not a thrust for surplus labor as under the capitalist mode. Karl Marx, *Capital: A Critique of Political Economy, The Process of Capitalist Production* (New York: International Publishers, 1973), pp. 4-264.

4. William I. Parish, *The Charles Ilfeld Company: A Study of the Rise and Decline of Mercantile Capitalism in New Mexico* (Cambridge: Harvard University Press, 1961), pp. 3, 35-37, 109.

5. Marx, *Capital*, pp. 626-27.

6. Ibid., p. 644.

7. Ibid., p. 506; Allan G. Harper, Andrew Cordova, and Kalervo Oberg, *Man and Resources in the Middle Rio Grande Valley* (Albuquerque: University of New Mexico Press, 1943), pp. 28-55.

8. W. G. Hoskins and L. Dudley Stamp, *The Common Lands of England and Wales* (London: Collins, 1963), pp. 8-9.

9. Parish, *The Charles Ilfeld Company*, pp. 3, 35-37, 109. Parish discusses the period of mercantile capital in northern New Mexico in relation to the partido sheep contract between merchants and villagers.

10. Clark S. Knowlton, "One Approach to the Economic and Social Prob-

lems of Northern New Mexico," *New Mexico Business* 17 (September 1964): 3.

11. Harper, Cordova, and Oberg, *Man and Resources in the Middle Rio Grande Valley*, p. 10. Today, the federal government claims 33 percent of the land base of the state of New Mexico, or 25.7 million acres. The state of New Mexico claims 12 percent or 9.3 million acres of the land base as state owned lands; 46.25 percent or 38 million acres is held by private owners which includes land grantees; and Navajos, Apaches, and Pueblo Indians together hold 8.75 percent or 7 million acres of the total land base of the state of New Mexico. *Economic Report* (Santa Fe: State of New Mexico, 1977).

12. William Dusenberry, *Mexican Mesta: Administration of Ranching in Colonial Mexico* (Urbana: University of Illinois Press, 1963), p. 3.

13. Harper, Cordova, and Oberg, *Man and Resources in the Middle Rio Grande Valley*, p. 10.

CHAPTER ONE — Precolonial Land Tenure

1. Alfonso Ortiz, *The Tewa World* (Chicago: University of Chicago Press, 1969), p. 13. Ortiz analyzes the nonkinship associations in detail; Edware P. Dozier, *The Pueblo Indians of North America* (New York: Holt, Rinehart, and Winston Publishers, 1970). Ortiz is a professional anthropologist and a native of San Juan Pueblo; the late Dozier was also a professional anthropologist from Santa Clara Pueblo. Their work is by far the most reliable and scholarly of any on Pueblo culture and history.

2. Dozier, *The Pueblo Indians of North America*, pp. 1-10.

3. Charles DiPeso, "Casas Grandes and the Gran Chichimeca," *El Palacio* 75 (Winter 1968): 47-48. DiPeso terms the area "Gran Chichimeca," a term used by precolonial Mesoamericans and adopted by early Spanish explorers. Another term used in precolonial times in the south to describe the northern frontier was "Aztlán."

4. Dozier, *The Pueblo Indians of North America*, p. 7.

5. DiPeso, "Casas Grandes and the Gran Chichimeca," p. 50.

6. Ibid., pp. 51-52.

7. David Snow, "Prehistoric Southwestern Turquoise Industry," *El Palacio* 79 (June 1973): 33.

8. DiPeso, "Casas Grandes and the Gran Chichimeca," p. 52; Snow, "Prehistoric Southwestern Turquoise Industry." Snow examines the trade network and finds it very extensive, relying heavily on turquoise as a medium of exchange and symbol of wealth. Evidence of 65,000 turquoise artifacts at Pueblo Bonito in Chaco Canyon, New Mexico, witnesses the importance of turquoise as a major precolonial commodity (p. 35). The mining of turquoise did not require extensive labor, but the intensity and extent of the industry suggest specialization in terms of ownership, crafts, marketing, and perhaps the support of theocracies (p. 47). Other items were also valuable marketable commodities in the area, salt being close to turquoise in value. Ceramic trade goods involved interconnected markets from Mexico City to Mesa Verde, Colorado. Shell from the Gulf of California, tropical bird feathers from the gulf area of Mexico, obsidian from Durango and flint from Texas were all found in the ruins of Casa Grande, the commercial center of the northern frontier (p. 38). Turquoise functioned as money, used to acquire macaw and parrot feathers for religious rituals, seashells and hides and meat. The stone has been found in precolonial sites in Texas, Kansas, and Nebraska where the Wichitas served as middlemen, carrying turquoise and other goods even further east and north. Crees in the Lake Superior region and communities in Ontario and Wisconsin acquired turquoise from the mines of New Mexico (pp. 43-44).

9. Ibid., p. 52. The Quetzalcoatl motifs of the plumed serpent, use of tropical bird feathers in ceremonies, and distinctive architecture, now identified with Pueblo society, appeared in the northern area.

10. Ibid., p. 49.

11. George Hammond and Agapito Rey, *Don Juan Oñate and the Founding of New Mexico* (Albuquerque: Historical Society of New Mexico Publication, 1927), p. 395.

12. Albert Schroeder, "Rio Grande Ethnohistory," in *New Perspectives on the Pueblos*, ed. Alfonso Ortiz (Albuquerque: University of New Mexico Press, 1972), p. 49.

13. Dozier, *The Pueblo Indians of North America*, pp. 2-3.

14. D. O'Bryan, "The Abandonment of the Northern Pueblos in the Thirteenth Century," in *Indian Tribes of Aboriginal America: Selected Papers of the 24th International Congress of Americanists* (Chicago: University of Chicago Press, 1952), pp. 153-57.

15. Simon J. Ortiz, Acoma Pueblo poet and writer, told the author this story.

16. J. C. Kelley, "Factors Involved in the Abandonment of Certain Peripheral Southwestern Settlements," *American Anthropologist* 54 (October 1952): 284. Malaria and bilharziasis (bubonic plague) have been historically associated with irrigated areas; L. Dudley Stamp, ed., *A History of Land Use in Arid Regions* (Paris: UNESCO, 1961), p. 20.

17. DiPeso, "Casas Grandes and the Gran Chichimeca," p. 55.

18. S. Lyman Tyler, "Some Economic Aspects of Indian Contacts in the Spanish Southwest," in *The Changing Ways of Southwestern Indians: A Historical Perspective*, ed. Albert Schroeder (Glorietta, New Mexico: El Corral de Santa Fe Publication, Rio Grande Press, 1973), p. 35. Tyler's view echoes a commonly expressed one: "The Indian adapted himself to his environment very well. This would imply that if he were a nomad it was because the climate, the vegetation, and the animal life were favorable to a migratory existence. If he were sedentary, this also resulted from a long period of adaption to his surroundings."

The emphasis on environmental determinism in the social formation of Native American peoples is misleading because it camouflages the dynamics of social development and, in fact, explains nothing. Clearly, the Pueblos chose the area they inhabited and did not just "appear" there and adapt; they transformed the environment rather than simply adapting to their surroundings.

19. Stamp, ed., *A History of Land Use in Arid Regions*, p. 19.

20. Pedro Armillas, "Land Use in Pre-Columbian America," in Stamp, ed., *A History of Land Use in Arid Regions*, p. 256.

21. John Q. Ressler, "Indian and Spanish Water Control on New Spain's Northwest Frontier," *Journal of the West* 7 (January 1968): 11. Being annuals, maize, squash and beans do not develop the deep roots of the perennials so they must have surface water.

22. Armillas, "Land Use in Pre-Columbian America," p. 261.

23. Arthur Rohn, "Prehistoric Soil and Water Conservation on Chapin Mesa, Southwestern Colorado," *American Antiquity* 28 (Winter 1963): 442-46. The dams were strikingly similar, averaging five to six yards wide, some even nine yards in width.

24. Ressler, "Indian and Spanish Water Control on New Spain's Northwest Frontier," pp. 12-13.

25. Armillas, "Land Use in Pre-Columbian America," p. 262.

26. Richard Woodbury, "The Hohokam Canals at Pueblo Grande, Arizona," *American Antiquity* 26 (October 1960): 31. Other innovations paralleling modern practices existed, such as a design which made possible the

automatic removal of previously deposited materials, saving labor in maintenance but requiring increased inventiveness, specialization in design, and more massive labor for construction.

27. Armillas, "Land Use in Pre-Columbian America," p. 263.

28. Rohn, "Prehistoric Soil and Water Conservation on Chapin Mesa, Southwestern Colorado," p. 454.

29. Dozier, *The Pueblo Indians of North America*, pp. 131-32. Dozier is one of the few students of Pueblo history who stresses the importance of irrigation to the formation of the social structure. He proposed what he called the "Irrigation Hypothesis," but unfortunately was not able to develop it further due to his early death.

30. Thomas F. Glick, *Irrigation and Society in Medieval Valencia* (Cambridge: Harvard University Press, 1970), p. 5. Glick found that it was precisely conflict which stimulated community activity and molded the forms of social control.

31. Rene Millon, Clara Hall, and May Diaz, "Conflict in the Modern Teotihuacán Irrigation System," *Comparative Studies in Society and History*, 6 (1961-62): 513.

32. Glick, *Irrigation and Society in Medieval Valencia*, p. 6; see also Wells A. Hutchins, "The Community Acequia: Its Origins and Development," *Southwestern Historical Quarterly* 31 (1927-28): 267-75. Glick found evidence of external disruptive forces, such as foreign invasion, being taken into account by the regulatory apparatus, including procedures to be observed if damage to the water system was brought about.

33. Richard I. Ford, "An Ecological Perspective on the Eastern Pueblos," in *New Perspectives on the Pueblos*, ed. Alfonso Ortiz (Albuquerque: University of New Mexico Press, 1972), pp. 4-6; Frederick Webb Hodge, George Hammond, and Agapito Rey, *Fray Alonso de Benavides' Revised Memorial of 1634*, Coronado Historical Series, vol. 4 (Albuquerque: University of New Mexico Press, 1945), p. 39.

34. George Hammond and Agapito Rey, *Narratives of the Coronado Expedition, 1540-1542* (Albuquerque: University of New Mexico Press, 1940), p. 328.

35. Ibid., p. 218.

36. Ibid., pp. 256-57. Pecos was the commercial center of the Río Grande Pueblos.

37. Ibid., p. 294.

38. Dolores A. Gunnerson, *The Jicarilla Apaches: A Study in Survival* (DeKalb: Northern Illinois University Press, 1974), p. 46. Gunnerson maintains that languages were analagous to divisions. Four general language categories existed among the ninety-two northern Río Grande Pueblo villages. Another discrete language was spoken at Zuni. Tiwi was spoken at Taos, Picuris, Sandia; Twea at San Juan, Santa Clara, San Ildefonso, Tesuque, Pojoaque and Nambé; Jemez and Pecos Pueblos spoke Towa; and Keres was the language at Acoma, Laguna, Zia, Santa Ana, San Felipe, Santo Domingo and Cochiti. Of course, these languages are still spoken today at those Pueblos. The language groups were not clustered together geographically. Some common language groups were widely separated. Around 1600, there were eight to twenty Tiwi-speaking villages in the Río Abajo and two Tiwi Pueblos at the northernmost point of the northern Río Grande area.

39. Glick, *Irrigation and Society in Medieval Valencia*, pp. 71, 74. Medieval Valencian irrigators were extremely excitable about their rights being disturbed and were willing to fight in an instant if they felt their water supply was jeopardized in any way.

40. Ford, "An Ecological Perspective on the Eastern Pueblos," pp. 4-6.

41. Glick found that during times of drought there was an increase in

community activities among the irrigators, and the mechanisms of control became more restrictive in order to attain maximum use of the scant water supply. He notes also a reassessment and realignment of the balance of power among the irrigators and among the towns on the canal. Glick, *Irrigation and Society in Medieval Valencia*, p. 242.

42. Ford, "An Ecological Perspective on the Eastern Pueblos," p. 8. The social mechanisms Ford analyzes still function today, and apparently have precolonial roots.

43. Ibid.

44. Hammond and Rey, *Don Juan Oñate and the Founding of New Mexico*, pp. 634-35.

45. Ford, "An Ecological Perspective on the Eastern Pueblos," p. 9.

46. Ibid., pp. 14-15.

47. Ibid., pp. 15-17.

48. Hammond and Rey, *Don Juan Oñate and the Founding of New Mexico*, p. 653.

49. George Hammond, *Obregón's History* (Los Angeles: Wetzel Publishing Company, 1928), pp. 280-81.

50. Hammond and Rey, *Narratives of the Coronado Expedition, 1540-1542*, p. 64.

51. Adolf Bandelier, *Documentary History of the Río Grande Pueblos of New Mexico*, Carnegie Institute Publication no. 330 (Washington, D.C.: Carnegie Institute, 1923), 1:11-12.

52. Gunnerson, *The Jicarilla Apaches*, p. 23.

53. Ibid., pp. 5-7. Gunnerson estimates Athabascan arrival in the late fifteenth century, the time generally accepted. For a divergent view of Apache and Navajo arrival, see Jack Forbes, *Apache, Navaho and Spaniard* (Norman: University of Oklahoma Press, 1960), pp. xiv-xxv. Forbes contends that ancestors of the Navajos were living in New Mexico as early as 900 A.D. and that all other arriving Athabascan groups were living in the northern frontier area by the fourteenth century.

54. Hammond and Rey, *Narratives of the Coronado Expedition, 1540-1542*, p. 258.

55. See O'Bryan, "The Abandonment of the Northern Pueblos in the Thirteenth Century," pp. 153-57; Albert Schroeder, "Shifting for Survival in the Spanish Southwest," *New Mexico Historical Review* 43 (October 1968). For the classic view that the arrival of the Spanish saved the Pueblos from annihilation by ferocious Athabascan "nomads," see Alfred Thomas, *Forgotten Frontiers* (Norman: University of Oklahoma Press, 1932), p. 84. For revisions of these views, see Forbes, *Apache, Navaho and Spaniard*; and Gunnerson, *The Jicarilla Apaches*, pp. 1-146. It should be noted that the Spanish never claimed to have "saved" the Pueblos from destruction by the Athabascans.

56. Schroeder, "Río Grande Ethnohistory," p. 46.

57. For details of the conflicts and Apache alliances see Gunnerson, *The Jicarilla Apaches*, pp. 4-125; Forbes, *Apache, Navaho and Spaniard*. In his review of this book, Professor of History Carlos Cortés states "that the argument over whether the Pueblos, Apaches, and Navajos were not enemies is enigmatic. In fact, whether or not they should be labeled 'friends' or 'enemies' is unimportant. More important is that at times they fought and at times they did not . . . sort of like nations around the world today."

58. Schroeder, "Río Grande Ethnohistory," pp. 47-48. Schroeder claims that it is unlikely that there were more than 40,000 Río Grande Pueblos when the Spanish intruded.

59. Hammond, *Obregón's History*, pp. 293-301.

60. Hammond, *Obregón's History*, p. 13; Hammond and Rey, *Narratives of the Coronado Expeditions, 1540-1542*, pp. 219-20, 225.

61. See George Hammond and Agapito Rey, *The Rediscovery of New Mexico, 1580-1594* (Albuquerque: University of New Mexico Press, 1966).

CHAPTER TWO — Colonization and Pueblo Land Tenure, 1598-1693

1. George Hammond and Agapito Rey, *Don Juan Oñate and the Founding of New Mexico* (Albuquerque: Historical Society of New Mexico, 1927), pp. 42-64, 299-301.

2. Albert Schroeder, "Rio Grande Ethnohistory," in *New Perspectives on the Pueblos*, ed. Alfonso Ortiz (Albuquerque: University of New Mexico Press, 1972), p. 43; Schroeder, "Shifting for Survival in the Spanish Southwest," *New Mexico Historical Review* 43 (October 1968): 295. Schroeder denies that Spanish incursions instigated Pueblo population shifts, but given the lack of other causes, it would appear that the anticipation of Spanish conquest did influence shifts for defense. Between the time of Coronado's stay and that of the conquest, a dozen Pueblos were permanently abandoned.

3. Hammond and Rey, *Don Juan Oñate and the Founding of New Mexico*, pp. 17-19, 325-26, 427; *History of New Mexico by Gasper Pérez de Villagrá Alcalá, 1610*, trans. Gilberto Espinosa, The Quivira Society Publication no. 4 (Albuquerque, 1933), pp. 213-57. Villagrá was a soldier, and participated in the "battle" of Acoma, about which he wrote a romantic, patriotic, heroic poem.

4. Hammond and Rey, *Don Juan Oñate and the Founding of New Mexico*, pp. 463, 477.

5. Marcos Leandro, Testimony, July 30, 1601, *Archivo General de Indias*, Sevilla, Legajos Mexico, no. 26 (Berkeley, Bancroft Library).

6. Hammond and Rey, *Don Juan Oñate and the Founding of New Mexico*, p. 818.

7. Schroeder, "Río Grande Ethnohistory," p. 50. Schroeder's interpretation of Oñate's motives for settling among the Tewas is the most logical. Oñate himself did not explain his motives in writing.

8. Testimonies, 1601, *Archivo General de Indias*, Sevilla, Legajos Mexico, no. 26.

9. Hammond and Rey, *Don Juan Oñate and the Founding of New Mexico*, pp. 1089, 1094-95; Jack Forbes, *Apache, Navaho and Spaniard* (Norman: University of Oklahoma Press, 1960), p. 113. Navajo raiding may have been one of the causes of permanent abandonment.

10. Ibid. The Acomas, Piros, Tompiros, Jemez, Zia, Picuris, and Taos remained independent for a period of time, only paying tribute. See also Oakah Jones, *Pueblo Indian Warriors* (Norman: University of Oklahoma Press, 1966), p. 3. Jones concludes that "in truth, the Indians of North America conquered themselves." Jones dwells on the effectiveness of using indigenous warriors and presents American Indian participation in the colonization process as a peculiarity of those peoples. In fact, the pattern has existed in all colonization processes worldwide, colonizers using already existing rivalries and creating new ones to gain adherents and spheres of influence, as well as using outright bribery and force. Otherwise it is doubtful that any conquest would have been possible anywhere.

11. George Hammond, *Obregón's History* (Los Angeles: Wetzel Publishing Company, 1928), p. 238; Frederick Webb Hodge, George Hammond and Agapito Rey, *Fray Alonso de Benavides' Revised Memorial of 1634* (Albuquerque: University of New Mexico Press, 1945), p. 70.

12. Forbes, *Apache, Navaho and Spaniard*, p. 165. Fray Francisco de Velasco wrote in 1609 that the Tewas had become enemies to Picuris, Taos, Pecos, and Apaches who had formed an alliance to destroy the Tewas for their association with the colonizers.

13. Hammond and Rey, *Don Juan Oñate and the Founding of New Mexico*, pp. 470, 1094.

14. Ibid., p. 1089.

15. Hodge, Hammond, and Rey, *Fray Alonso de Benavides' Revised Memorial of 1634*, pp. 91-92.

16. Ibid., p. 186.

17. Ibid., pp. 186-87, 216. Apparently the friars bought slaves frequently, but considered them captives to be ransomed preventing their being sold as slaves which allowed the friars to Christianize their captives and use their labor.

18. José María Ots Capdequi, *El regimen de la tierra en la América Española durante el período colonial* (Madrid: Ciudad Trujillo, 1946), p. 12. Ots Capdequi sees the Laws of the Indies as a reflection of abuses, rather than a governing code of laws during the early period. However, the laws appear to have become more effective after they were compiled in 1681 and became available to officials in the many colonies.

19. Don Toribio Esquivel Obregón, *Apuntes para la historia del derecho en México* (México, D.F.: Antigua Librería Robredo, 1937) 1:401. The encomienda had been created to maintain the Crown's political control of areas taken from the Moors on the Iberian Peninsula and was never a grant of land there. In the Western Hemisphere, it tended to establish encomendero lordship over indigenous peoples within its bounds, creating a more feudal-like land tenure in America than existed in Spain. See also Lesley Byrd Simpson, *The Encomienda in New Spain* (Berkeley: University of California Press, 1950), pp. 1-15, 176n.

20. Simpson, *The Encomienda in New Spain*, pp. 37, 129-32, 140.

21. Hammond and Rey, *Don Juan Oñate and the Founding of New Mexico*, pp. 508, 593-94, 755, 962-63; Charles Hackett, ed., *Historical Documents Relating to New Mexico, Nuevo Vizcaya, and Approaches Thereto, to 1773*, collected by Adolf and Fanny R. Bandelier, 3 vols. (Washington, D.C.: Carnegie Institute, vol. 1, 1923; vol. 2, 1926; vol. 3, 1937), p. 120.

22. France V. Scholes, "Problems in the Early Ecclesiastical History of New Mexico," *New Mexico Historical Review* 7 (January 1932): 32-75; Scholes, "Civil Government and Society in New Mexico in the Seventeenth Century," *New Mexico Historical Review* 10 (1935): 78-79; Silvio Arturo Zavala, *De encomienda y propriedad territorial en algunas regiones de la América Expañola* (México, D.F.: Antigua Libreria Robredo, 1940), p. 9.

23. Myra Ellen Jenkins, "New Mexico Land Tenure History and Pueblo Indian Administration" (Paper delivered at Ghost Ranch, New Mexico, January 5, 1974), p. 10. Dr. Jenkins' conjecture as to the type of settler land tenure developed in the seventeenth century is probably correct.

24. *Recopilación de leyes de los reynos de las Indias, 1681* (Madrid: Boix, 1841), Book 4, Title 12, Law 12, Law 13, and Law 14.

25. Ibid., Book 4, Title 12, Law 17.

26. Jenkins, "New Mexico Land Tenure History and Pueblo Indian Administration."

27. *Recopilación*, Book 6, Title 3, Law 10; and Book 6, Title 1, Law 29.

28. Myra Ellen Jenkins, "Application of Spanish Colonial Institutions to Administration of New Mexico Pueblo Indians" (Unpublished manuscript, Santa Fe, New Mexico, 1970), p. 8. Complaints of encomendero abuses invariably came from the friars, who themselves wanted to control Pueblo lives and labor, either for personal enrichment or more often for the church.

29. As expressed in testimonies of Pueblos after the Revolt; Charles Hackett and C. C. Shelby, *Revolt of the Pueblo Indians of New Mexico and Otermin's*

Attempted Reconquest, 1680-1682, Coronado Historical Series, vols. 8 and 9 (Albuquerque: University of New Mexico Press, 1942) 2:8.

30. Hackett, *Historical Documents,* p. 130.

31. David Weber, "Spanish Fur Trade from New Mexico, 1540-1821," *The Americas* 24 (October 1967): 126; Ralph Emerson Twitchell, *The Spanish Archives of New Mexico* (Cedar Rapids, Iowa: The Torch Press, 1914), 2:2.

32. Forbes, *Apache, Navaho and Spaniard,* pp. 135-36; Hackett, *Historical Documents,* p. 111.

33. Report of Governor Alonso Pacheco, August 6, 1643, in Forbes, *Apache, Navaho and Spaniard,* p. 139; Hackett and Shelby, *Revolt of the Pueblo Indians,* 2: 299; "Testimony of Juan de Miranda," July 27, 1671, in Forbes, *Apache, Navaho and Spaniard,* p. 145.

34. Hackett, *Historical Documents,* p. 299; "Declarations, 1681," in Hackett and Shelby, *Revolt of the Pueblo Indians,* 2: 3, 289, 300, 309. One of the prisoners released was Popé, the alleged leading strategist for the 1680 Revolt.

35. Hackett and Shelby, *Revolt of the Pueblo Indians,* 2: 289-309; Forbes, *Apache, Navaho and Spaniard,* p. 179. Forbes' account of the Revolt is the most detailed summary of the documents available.

36. Hackett and Shelby, *Revolt of the Pueblo Indians,* 1: 13. Though Pueblo led, the Revolt appears to have been a genuine united front of all the oppressed groups in the colony, including the Mexican and mulato servants in Santa Fe. The extent to which the Mexicans participated in the Revolt is not known, but their long-time familiarity with Spanish battle tactics and customs probably contributed to its success.

37. Ibid., 1: 153, 159, 194-95; 2: 8.

38. Fray Angélico Chávez, "Phe-Yomo Representation and the Pueblo Revolt of 1680," *New Mexico Historical Review* 42 (April 1967): 85-86. Either Chávez's point is not entirely clear, or it is incredible. He appears to confuse race with culture, taking a classic racist position. There were undoubtedly many converts to Pueblo culture among the poor peoples of the colony, but it is doubtful that any of them were able to rise to high religious and military positions within the first generations of their assimilation. Chávez maintains that a mulato, new to Pueblo society, was the principal revolt strategist, rather that Popé. He seems to imply that Pueblos, that is "pure bred" Pueblos, were mentally inferior and incapable, and uninterested in revolt.

39. Hackett and Shelby, *Revolt of the Pueblo Indians,* 2: 371-73.

40. Edward H. Spicer, *Cycles of Conquest* (Tucson: University of Arizona Press, 1962), pp. 283-84. Spicer sees colonial rule as having followed a "blueprint"; rather, it seems to have been somewhat directionless and anarchic. In the absence of expected mineral wealth, the settlers and officials desperately attempted to acquire wealth in whatever way they could.

41. Francois Chevalier, *Land and Society in Colonial Mexico,* ed. Lesley Byrd Simpson (Berkeley: University of California Press, 1963), pp. 48, 143. Chevalier points out the later consequences of the establishment of large estates in the northern interior of Mexico, leading to the hacienda system with concomitant enserfment of indigenous and mestizo farmers.

CHAPTER THREE — The People Continue, 1692-1820

1. Eugene Hollon, *The Southwest, Old and New* (New York: Alfred Knopf Publishers, 1961), pp. 76, 80-83.

2. Pedro Armillas, "Land Use in Pre-Columbian America," in *A History of Land Use in Arid Regions,* ed. L. Dudley Stamp (Paris: UNESCO, 1961), p. 259.

3. David Weber, "Spanish Fur Trade From New Mexico, 1540-1821," *The Americas* 24 (October 1967): 129.

4. Charles L. Kenner, *A History of New Mexican-Plains Indian Relations* (Norman: University of Oklahoma Press, 1969), p. 40.
5. Marc Simmons, *Border Comanches: Seven Spanish Colonial Documents, 1785-1819* (Santa Fe: Stagecoach Press, 1967), pp. 8-9.
6. Ernest Wallace and E. Adamson Hoebel, *The Commanches: Lords of the South Plains* (Norman: University of Oklahoma Press, 1952), p. 11.
7. Simmons, *Border Comanches*, p. 9.
8. Max Moorhead, *Apache Frontier: Jacob Ugarte and Spanish-Indian Relations in Northern New Spain, 1769-1791* (Norman: University of Oklahoma Press, 1968), p. 3.
9. Simmons, *Border Comanches*, pp. 10-12.
10. Ibid., p. 11.
11. Kenner, *A History of New Mexican-Plains Indian Relations*, p. 48.
12. Alfred Thomas, *The Plains Indian and New Mexico, 1751-1778* (Albuquerque: University of New Mexico Press, 1940), p. 130.
13. Marc Simmons, *Spanish Government in New Mexico* (Albuquerque: University of New Mexico Press, 1968), pp. 9-25; Kenner, *A History of New Mexican-Plains Indian Relations*, pp. 49-50.
14. Simmons, *Spanish Government in New Mexico*, pp. 154-55; Moorhead, *Apache Frontier*, pp. 87, 96-97. The presidial soldier in New Mexico was enmeshed in a circle of debt-servitude that Moorhead compares to debt peonage. At first, soldiers were paid annual salaries in coin or treasury warrants in the colonies, but by the eighteenth century, they were paid in military equipment and provisions. Governors, presidial officers, paymasters, and local traders preyed on them. When the Reglamento of 1772 attempted to limit exploitation of soldiers, pay was also reduced in anticipation of the savings which would accrue to the soldiers in the absence of fraud.
15. Moorhead, *Apache Frontier*, p. 127.
16. Kenner, *A History of New Mexican-Plains Indian Relations*, pp. 49-50.
17. Moorhead, *Apache Frontier*, p. 273.
18. Kenner, *A History of New Mexican-Plains Indian Relations*, pp. 50-53; Simmons, *Border Comanches*, p. 14. Reasons other than gifts and promise of free trade elicited Comanche compliance with peace terms, in Simmons view. First, Comanche raids against the province in the 1770s were devastating, and there was little of value which the Comanches wanted in the colony. Secondly, a severe smallpox epidemic had decreased Comanche numbers. In addition, the Comanches were changing their positions, moving toward the south and east and focusing attacks on settlements in Texas, Coahuila, and Chihuahua.
19. *Recopilación de las leyes de los reynos de las Indias, 1681* (Madrid: Boix, 1841), Book 2, Title 1, Law 2.
20. Ibid., Book 4, Title 12.
21. *Spanish Archives of New Mexico* (Santa Fe: New Mexico State Records and Archives Center), document no. 1338.
22. William Dusenberry, *Mexican Mesta: Administration of Ranching in Colonial Mexico* (Urbana: University of Illinois Press, 1963), p. 32.
23. Marc Simmons, "Settlement Patterns and Village Plans in Colonial New Mexico," *Journal of the West* 8 (January 1969): 9, 15.
24. Myra Ellen Jenkins, "New Mexico Land Tenure History and Pueblo Indian Administration" (Paper delivered at Ghost Ranch, New Mexico, January 5, 1974), p. 15.
25. Ibid., p. 16.
26. Simmons, "Settlement Patterns and Village Plans in Colonial New Mexico," p. 8. Simmons confuses the power of eminent domain with the interest retained by the Crown in lands granted.

27. Jenkins, "New Mexico Land Tenure History and Pueblo Indian Administration," p. 14.

28. Eleanor B. Adams and Fray Angélico Chávez, eds., and trans., *The Missions of New Mexico, 1776: A Description by Fray Francisco Atanasio Domínguez* (Albuquerque: University of New Mexico Press, 1956), p. 42n.

29. Fray Angélico Chávez, *Origins of New Mexico Families in the Spanish Colonial Period* (Santa Fe: Historical Society of New Mexico Publication, 1954), p. xiv. Chávez notes that these were the New Mexicans whom later Anglo writers described as "poor ignorant Mexicans."

30. Albert Schroeder, "Rio Grande Ethnohistory," in *New Perspectives on the Pueblos*, ed. Alfonso Ortiz (Albuquerque: University of New Mexico Press, 1972), p. 62

31. Edward P. Dozier, *The Pueblo Indians of North America* (New York: Holt, Rinehart, and Winston Publishers, 1970), p. 82; Frances Leon Swadesh, *Los Primeros Pobladores: Hispanic Americans of the Ute Frontier* (Notre Dame, Indiana: University of Notre Dame Press, 1974), p. 40.

32. Swadesh, *Los Primeros Pobladores*, p. 40.

33. Chávez, *Origins of New Mexico Families in the Spanish Colonial Period*, p. xiv.

34. Swadesh, *Los Primeros Pobladores*, p. 40.

35. Simmons, "Settlement Patterns and Village Plans in Colonial New Mexico," p. 16.

36. Swadesh, *Los Primeros Pobladores*, pp. 39, 41-42.

37. E. Boyd, "Trouble at Ojo Caliente, A 'Frontier Post,' " *El Palacio* 64 (November-December 1957): 347, 349, 351, 358. A 1735 record of a lawsuit indicates that there were settlers on the grant during the 1730s. It is clear from this example that colonial officials had not arbitrarily used their power to revoke the grant because of a broken condition, nor without cause, but only in the face of the adamant refusal of the grantees to remain on the grant. Though the provision requiring that the grant be used and occupied continuously was an inherent part of every community land grant, use and occupancy were not the essence of the legal rights held by grantees in the land.

38. Alfred Thomas, *Forgotten Frontiers: A Study of the Spanish Indian Policy of Don Juan Bautista de Anza, Governor of New Mexico, 1777-1787* (Norman: University of Oklahoma Press, 1932), p. 92.

39. Myra Ellen Jenkins, "Documentation Concerning San Jose de Garcia del Rio de las Trampas" (Unpublished manuscript, Santa Fe, 1969). Documentation of settlements made during the colonial period depends upon several archival sources which are often fragmentary. Land grant papers constitute primary documentation; information on settlers is found in the land grant documents, but also in church records in the area where the settlement was located. Additional material can be found in administrative records, such as census reports, land conveyances prior to land grants, and military records. Descriptions of the settlement and inventories of the churches or chapels in the region are found in the records of official religious visitations, some of which are published.

41. Ibid., p. 5.

42. Ibid., p. 9.

43. Adams and Chávez, *Missions of New Mexico*, p. 42n.

44. Swadesh, in *Los Primeros Pobladores* p. 155, describes casticismo as the system of values of the elite class.

45. Chávez, *Origins of New Mexico Families in the Spanish Colonial Period;* Swadesh, *Los Primeros Pobladores*, p. 46.

46. Swadesh, *Los Primeros Pobladores*, pp. 41-42, 155. Swadesh refers to the

fluid caste system as a process of "social leveling." This characterization is not quite accurate since the caste system remained rigid and intact, although there was mobility within it, and there were always people in each caste. Therefore, nothing was "leveled." Northern New Mexico colonial society in the eighteenth century could not be described as classless or casteless; however, the sense of hidalgo status, which was associated with ownership of land and blood heirship, was psychologically strong among the poor, though in reality the designation only applied to the elite.

47. Ibid., p. 42.

48. Census of the Jurisdiction of Albuquerque, October 22, 1790, *Spanish Archives of New Mexico*, 2, no. 319. See also Antonio José Rios-Bustamante, "New Mexico in the Eighteenth Century: Life, Labor, and Trade in la Villa de San Felipe de Albuquerque, 1706-1790," *Aztlán: International Journal of Chicano Studies Research* 7 (Fall 1976): 357-90; and Janice Louise Aragón, "The People of Santa Fe in the 1790s," in *Aztlán: International Journal of Chicano Studies Research* 7 (Fall 1976): 391-418.

49. Hubert Howe Bancroft, *History of Arizona and New Mexico, 1530-1888* (1889; reprint ed., Albuquerque: Horn and Wallace Publishers, 1962), p. 279.

50. Dozier, *The Pueblo Indians of North America*, p. 86.

51. Chávez, *Origins of New Mexico Families in the Spanish Colonial Period*, pp. xii-xiii.

52. Simmons, "Settlement Patterns and Village Plans in Colonial New Mexico," pp. 11, 14.

53. Ibid., p. 17; Swadesh, *Los Primeros Pobladores*, p. 135.

54. Swadesh, *Los Primeros Pobladores*, p. 141. In the Chama Valley, subject to Ute attack, individual settlers, often traders, were usually the object of Ute retaliation for various reasons such as slave raids on them or unfair trading. Concentration of settlements brought attacks on all the villagers rather than on the offender who was singled out for punishment.

55. Simmons, "Settlement Patterns and Village Plans in Colonial New Mexico," pp. 17-18.

56. Thomas, *Forgotten Frontiers*, p. 379.

57. Simmons, "Settlement Patterns and Village Plans in Colonial New Mexico," p. 9. A provision for propios, municipal lands for rent, were not a part of New Mexican settlements as a rule.

58. Edward Norris Wentworth, *American Sheep Trails* (Ames: Iowa State College, 1948), pp. 112-13.

59. Ibid., p. 115.

60. Sanford Mosk, "The Influence of Tradition on Agriculture in New Mexico," *Journal of Economic History* 2, Supp. (November 1942): 38-39.

61. Adams and Chávez, *Missions of New Mexico*, p. 322.

62. Swadesh, *Los Primeros Pobladores*, p. 153.

63. Wentworth, *American Sheep Trails*, p. 113.

64. Swadesh cites as another source of subsistence the war booty gained by the genízaros and Pueblo conscripts in military campaigns against the resistant Indians, this source being the means of wealth for those few settlers who did become relatively wealthy. *Los Primeros Pobladores*, pp. 171-72.

65. Adams and Chávez, *Missions of New Mexico*, p. 126. It is interesting that Domínguez regarded the people of Abiquiu, a Spanish village, as Indians.

66. Swadesh, *Los Primeros Pobladores*, p. 158. Swadesh suggests additional institutions and analyzes the kinship groups in detail.

67. Wells A. Hutchins, "The Community Acequia: Its Origins and Development," *Southwestern Historical Quarterly* 31 (1927-28): 264; Marc Sim-

mons, "Spanish Irrigation Practices in New Mexico," *New Mexico Historical Review* 47 (April 1972): 139.

68. *Recopilación*, Book 4, Title 17, Law 5.

69. Thomas Glick, *The Old World Background of the Irrigation System of San Antonio, Texas*, Southwestern Studies Publication, Monograph no. 35, (El Paso: University of Texas Press, 1972), pp. 4, 56. Glick maintains that the continuity and direct influence of civil law in water rights regulations has been exaggerated, and that customary law had much more affect on the actual practice of water distribution in Spain and in the colonies.

70. *Recopilación*, Law 2, Title 17, Law 5.

71. Hutchins, "The Community Acequia," p. 271; Simmons, "Spanish Irrigation Practices in New Mexico," pp. 140-41; interview with Phil Lovato, Research Director of the Northern Rio Grande Resource Conservation and Development Project, Taos, New Mexico, May 22, 1974. Mr. Lovato, who is assembling a handbook for mayordomo de acequias, described the duties of the mayordomo today as substantially the same as in the eighteenth century.

72. Thomas F. Glick, *Irrigation and Society in Medieval Valencia* (Cambridge: Harvard University Press, 1970), pp. 53, 57. Glick maintains that there is so little documentation concerning the ordinary justice of the medieval cequiers (mayordomos) because settlements of disputes were prompt and often preventative, and rarely reached the level of formal litigation. This was probably the case in New Mexico as well, as few documents of water litigation are to be found.

All the cited offenses, and others, some occurring several times, plus thirty miscellaneous offenses, were listed in a village cequier's account book from *Medieval Valencia*. Glick states that theft of water might be considered an institutional form of conflict. Perhaps an irrigation community might accept that irrigators may steal sometimes, rendering the system more flexible and averting what might be more serious conflicts if a farmer were to lose his crops because of failure to get water legally.

73. Hutchins, "The Community Acequia," p. 274; Simmons, "Spanish Irrigation Practices in New Mexico," p. 145.

74. Olen Leonard, *The Role of the Land Grant in the Social Organization and Social Processes of a Spanish American Village in New Mexico* (Albuquerque: Calvin Horn Publisher, 1970), pp. 134-36.

75. Carmelo Lison-Tolosano, *Belmonte de Los Caballeros* (London: Oxford University Press, 1966), p. 257.

76. "Local leadership continued to flow from the tatas, the lineage and community elders, who tempered their authority with greater conformity to local tradition than to colonial regulation." Swadesh, *Los Primeros Pobladores*, p. 170.

77. Herbert O. Brayer, *Pueblo Indian Land Grants of the "Río Abajo" New Mexico* (Albuquerque: University of New Mexico Press, 1939), p. 16.

78. Alfonso Ortiz, *The Tewa World* (Chicago: University of Chicago Press, 1969), pp. 61, 71, 52.

79. Simmons, *Spanish Government in New Mexico*, p. 188.

80. Myra Ellen Jenkins, "Land Grant Problems," in *New Mexico Past and Present*, ed. Richard Ellis (Albuquerque: University of New Mexico Press, 1971), p. 97; Simmons, *Spanish Government in New Mexico*, pp. 159-92, 314. Since officials were forbidden to live inside Pueblos, in areas where there were no Spanish towns, they usually applied for grants of unoccupied Pueblo land and established themselves permanently, building haciendas.

81. Adams and Chávez, *Missions of New Mexico*, p. 314.

82. Jenkins, "Land Grant Problems," pp. 97-99.

83. Myra Ellen Jenkins, "Spanish Land Grants in the Tewa Area," *New Mexico Historical Review* 47 (April 1972): 119-20.
84. Myra Ellen Jenkins, "Taos Pueblo and Its Neighbors," *New Mexico Historical Review* 41 (April 1966): 93.
85. Thomas, *Forgotten Frontiers*, p. 96.
86. Adams and Chávez, *Missions of New Mexico*, p. 313.
87. Ibid., p. 322.
88. *Spanish Archives of New Mexico*, nos. 403, 530; Schroeder, "Rio Grande Ethnohistory," p. 60.
89. *Spanish Archives of New Mexico*, nos. 1237, 1237a.
90. Oakah Jones, *Pueblo Indian Warriors* (Norman: University of Oklahoma Press, 1966), pp. 93, 179-80.
91. Adams and Chávez, *Missions of New Mexico*, pp. 255-56, 258.
92. Thomas, *Forgotten Frontiers*, p. 162.
93. Ibid., p. 165.
94. Simmons, *Spanish Government in New Mexico*, p. 183; *Recopilación*, Book 5, Title 1, Law 18; *Spanish Archives of New Mexico*, no 891, April 24, 1784.
95. Simmons, *Spanish Government in New Mexico*, p. 183; *Spanish Archives of New Mexico*, no. 871.
96. Ibid., no. 1091.
97. Ibid., no. 2391, January 16, 1811.
98. Simmons, *Spanish Government in New Mexico*, pp. 201-205.
99. Hollon, *The Southwest, Old and New*, p. 89.
100. Zebulon Montgomery Pike, *The Expeditions of Zebulon Montgomery Pike*, ed. Elliott Coues (New York: F. P. Harper, 1895), p. 499. Coues calls Pike's straying into Spanish territory and his arrest "a particular accident of a general design."

CHAPTER FOUR — Liberation Sabotaged with United States Conquest 1821-1848

1. Captain Lemuel Ford of the First Dragoons, United States Army, wrote the comment in his diary in reference to a group of comancheros he met on the Plains. Quoted in Charles Kenner, *A History of New Mexico-Plains Indian Relations* (Norman: University of Oklahoma Press, 1969), p. 83.
2. Waddy Thompson, *Recollections of Mexico* (New York: Wiley and Putnam, 1836), p. 72.
3. Frederick Jackson Turner, *International Monthly*, December, 1901.
4. Howard Lamar, *The Far Southwest, 1846-1912* (New Haven: Yale University Press, 1966), pp. 7-10.
5. Andrew A. Lipscomb, ed., *The Writings of Thomas Jefferson* (Washington, D. C.: Thomas Jefferson Memorial Association Publication, 1903), p. 296.
6. R. O. Ulibarri, "American Interest in the Spanish Mexican Southwest, 1803-1848" (Ph.D. diss., University of Utah, 1963), p. 261.
7. Reginald Horseman, *Expansion and American Indian Policy* (Grand Rapids: Michigan State University Press, 1967), p. 106.
8. Arthur DeRosier, Jr., *The Removal of the Choctaw Indians* (Knoxville: University of Tennessee Press, 1970), pp. 25-27.
9. Lamar, *The Far Southwest*, p. 63.
10. William I. Parish, *The Charles Ilfeld Company: A Study of the Rise and Decline of Mercantile Capitalism in New Mexico* (Cambridge: Harvard University Press, 1961), p. 3.
11. Myra Ellen Jenkins, "The New Mexican View of the Santa Fe Trade" (Paper delivered at the Historical Society of Santa Fe, New Mexico, 1972), p. 7.
12. Max Moorhead, *New Mexico's Royal Road: Trade and Travel on the Chihuahua Highway* (Norman: University of Oklahoma Press, 1958), pp. 55-58.

13. Lamar, *The Far Southwest*, pp. 42-47.
14. H. Bailey Carroll and J. Vallasana Haggard, eds. and trans., *Three New Mexico Chronicles* incl. *The Exposicion of Don Pedro Bautista Pino, 1812; The Ojeada of Lic. Antonio Barreiro, 1832; and Don Agustin de Escudero* (Albuquerque: The Quivira Society, 1942), p. 39.
15. David Weber, *Los Extranjeros: Selected Documents from the Mexican Side of the Santa Fe Trail, 1825-1828* (Santa Fe: Stagecoach Press, 1967), p. 22; Report on Foreigners by Antonio Narbona, Santa Fe, February 1, 1826.
16. Lamar, *The Far Southwest*, p. 48.
17. Parish, *The Charles Ilfeld Company*, p. 4.
18. Josiah Gregg, *Commerce of the Prairies*, ed. Max Moorhead (Norman: University of Oklahoma Press, 1954), pp. 331-33.
19. Moorhead, *New Mexico's Royal Road*, pp. 65, 75.
20. Jenkins, "The New Mexican View of the Santa Fe Trade," p. 6.
21. Moorhead, *New Mexico's Royal Road*, p. 76.
22. Parish, *The Charles Ilfeld Company*, p. 5.
23. Moorhead, *New Mexico's Royal Road*, pp. 77, 84-85.
24. Gregg, *Commerce of the Prairies*, p. 80.
25. Moorhead, *New Mexico's Royal Road*, pp. 81, 187-88.
26. Sister Mary Loyola, "The American Occupation of New Mexico, 1821-1852," *New Mexico Historical Review* 14 (January 1939): 34-76; (April 1939): 143-200; (July 1939): 230-87.
27. Weber, *Los Extranjeros*, p. 42. The report was probably from the governor.
28. Moorhead, *New Mexico's Royal Road*, pp. 60, 67, 69.
29. Myra Ellen Jenkins, *Guide To The Microfilm Edition of the Mexican Archives of New Mexico, 1821-1846* (Santa Fe: State of New Mexico Records Center Publication, 1969), p. 4.
30. Ibid, pp. 5-7.
31. White, Koch, Kelley, and McCarthy, Attorneys at Law and the New Mexico State Planning Office, *Land Title Study* (Santa Fe: State Planning Office, 1971), p. 21.
32. Frederic Hall, *The Laws of Mexico: A Compilation and Treatise Relating to Real Property, Mines, Water Rights, Personal Rights, Contracts, and Inheritances* (San Francisco: A. L. Bancroft and Co., 1885).
33. Lamar, *The Far Southwest*, p. 49.
34. Hall, *The Laws of Mexico*, pp. 104, 148-50.
35. Miranda was superintendent of the public school in Santa Fe in 1832 and Secretario de Gobierno of New Mexico from 1839-1841. Lamar, *The Far Southwest*, pp. 50-51.
36. Herbert O. Brayer, *William Blackmore: The Spanish Mexican Land Grants of New Mexico and Colorado, 1863-1878* (1949; reprint ed., New York: Arno Press, The Mexican American Series, 1974), pp. 125, 159.
37. Ralph Emerson Twitchell, *The Spanish Archives of New Mexico* (Cedar Rapids, Iowa: The Torch Press, 1914), p. 62.
38. Lamar, *The Far Southwest*, p. 52.
39. Ward Allen Minge, "Frontier Problems in New Mexico Preceding the Mexican War, 1840-1846" (Ph.D. diss., University of New Mexico, 1965), pp. 224-26, 305-306.
40. Marc Simmons, *The Little Lion of the Southwest: A Life of Manual Antonio Chaves* (Chicago: The Swallow Press, 1973), p. 48.
41. Daniel Tyler, "Governor Armijo's Moment of Truth," *Journal of the West* 2 (April 1972): 307-308.
42. Minge, "Frontier Problems in New Mexico Preceding the Mexican War," pp. 304-307, 330-32; Tyler, "Governor Armijo's Moment of Truth," p. 315.

Tyler revises the generally accepted historical view of Armijo. Alvarez was originally from Spain but became a naturalized United States citizen and Consul to New Mexico.

43. Moorhead, *New Mexico's Royal Road*, pp. 45, 191.
44. Edward Norris Wentworth, *American Sheep Trails* (Ames: Iowa State College Press, 1948), p. 116.
45. Jenkins, *Guide To the Microfilm Edition of the Mexican Archives of New Mexico*, p. 2. Antonio Perez became governor in 1836 and was killed in the 1837 rebellion. Antonio Martínez was governor for a year, 1844-1845.
46. Simmons, *The Little Lion of the Southwest*, p. 45.
47. Moorhead, *New Mexico's Royal Road*, p. 49.
48. Lamar, *The Far Southwest*, p. 48.
49. Simmons, *The Little Lion of the Southwest*, pp. 64-65.
50. Minge, "Frontier Problems in New Mexico Preceding the Mexican War," pp. 247-48.
51. Simmons, *The Little Lion of the Southwest*, pp. 50, 51, 82.
52. Lynn Perrigo, "New Mexico in the Mexican Period, As Revealed in the Torres Documents," *New Mexico Historical Review* 29 (January 1954): 31, 39.
53. Ward Allan Minge, ed., "The Last Will and Testament of Don Severino Martínez," *New Mexico Quarterly* 33 (Spring 1963): 33-34.
54. The will compares favorably in kind and amount of property to the will of a moderately wealthy Virginia planter of the same period, Edmund Berkeley IV; Roxanne Dunbar Ortiz, "The Berkeleys of Barn Elms, Virginia, 1610-1865: Case Study of a Slave Plantation" (Unpublished manuscript, Los Angeles, California, 1967).
55. Moorhead, *New Mexico's Royal Road*, pp. 194-95.
56. Charles L. Kenner, *A History of New Mexican-Plains Indian Relations* (Norman: University of Oklahoma Press, 1969), p. 78.
57. Gregg, *Commerce of the Prairies*, p. 257.
58. Jenkins, "The New Mexican View of the Santa Fe Trade," p. 3.
59. Carroll and Haggard, *Three New Mexico Chronicles*, pp. 101-102.
60. Kenner, *A History of New Mexican-Plains Indian Relations*, pp. 104-108.
61. Minge, "Frontier Problems in New Mexico Preceding the Mexican War," p. 67.
62. Kenner, *A History of New Mexican-Plains Indian Relations*, pp. 87-88, 90-96. In the 1830s some comancheros built their own fort or village five miles above Bent's, called El Pueblo. The farmers travelled great distances into eastern Oklahoma, Kansas, and far north, in pursuit of Indian traders. Kenner notes one type of roving trader of the Plains, often confused with the comancheros, who was hired by Anglo-American traders and wealthy New Mexicans to take whiskey to the Indians in exchange for horses.
63. Gregg, *Commerce of the Prairies*, pp. 122-24.
64. Simmons, *Little Lion of the Southwest*, p. 44.
65. Quoted in Wentworth, *American Sheep Trails*, p. 115.
66. Sanford Mosk, "The Influence of Tradition on Agriculture in New Mexico," *The Journal of Economic History* 2, supp. (December 1942): 38-39.
67. Carroll and Haggard, *Three New Mexico Chronicles*, pp. 41-42.
68. Parish, *The Charles Ilfeld Company*, pp. 149, 151.
69. Wentworth, *American Sheep Trails*, pp. 124-25.
70. Minge, "Frontier Problems in New Mexico Preceding the Mexican War," pp. 50-76, 146, 153.
71. Frances Leon Swadesh, *Los Primeros Pobladores: Hispanic Americans of the Ute Frontier* (Notre Dame, Indiana: University of Notre Dame Press, 1974), pp. 59-60.
72. Carroll and Haggard, *Three New Mexico Chronicles*, p. 38.

73. Gregg, *Commerce of the Prairies*, p. 107.
74. Ibid., p. 108.
75. Swadesh, *Los Primeros Pobladores*, p. 173.
76. Fray Angelico Chávez, "The Penitentes of New Mexico," *New Mexico Historical Review* 29 (April 1954): 97, 99, 108, 115.
77. Swadesh, *Los Primeros Pobladores*, pp. 74-75.
78. Warren A. Beck, "The Penitentes," in *New Mexico Past and Present*, ed. Richard Ellis (Albuquerque: University of New Mexico Press, 1971), p. 177.
79. Edward H. Spicer, *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960* (Tucson: University of Arizona Press, 1962), p. 334.
80. Felix Cohen, *Handbook of Federal Indian Law* (1942; reprint ed., Albuquerque: University of New Mexico Press, 1972), p. 163. Cohen provides excellent information on Mexican laws and regulations affecting the Pueblos.
81. Spicer, *Cycles of Conquest*, p. 335.
82. Swadesh, *Los Primeros Pobladores*, pp. 53-55.
83. Minge, "Frontier Problems in New Mexico Preceding the Mexican War," pp. 54-55.
84. Swadesh, *Los Primeros Pobladores*, p. 53.
85. Gregg, *Commerce of the Prairies*, p. 42.
86. Carroll and Haggard, *Three New Mexico Chronicles*, pp. 30, 183.
87. Ibid., p. 31.
88. Gregg, *Commerce of the Prairies*, pp. 187-94.
89. Herbert O. Brayer, *Pueblo Indian Land Grants of the "Río Abajo" New Mexico* (Albuquerque: University of New Mexico Press, 1939), pp. 19-20. Brayer attributes encroachments to the laxity of local officials.
90. Minge, "Frontier Problems in New Mexico Preceding the Mexican War," p. 96.
91. *Mexican Archives of New Mexico* (Santa Fe: New Mexico State Records and Archives Center), 1, Document no. 1292. See also Myra Ellen Jenkins, "Taos Pueblo and Its Neighbors," *New Mexico Historical Review* 41 (April 1966): 104-105.
92. "Appropriation doctrine" is the Anglo-American term for the Spanish practice and water law. See Richard F. Logan, "Post-Columbian Developments in the Arid Regions of the United States of America," in *A History of Land Use in Arid Regions*, ed. L. Dudley Stamp (Paris: UNESCO, 1961), p. 288.
93. Jenkins, "Taos Pueblo and Its Neighbors," p. 106.
94. Myra Ellen Jenkins, "The Pueblo of Nambé and Its Lands," in *Changing Ways of the Southwestern Indians: A Historic Perspective*, ed. Albert Schroeder (Glorietta, New Mexico: El Corral de Santa Fe Publication, Rio Grande Press, 1973), p. 96.
95. Myra Ellen Jenkins, "Land Grant Problems," in *New Mexico Past and Present*, ed. Richard Ellis (Albuquerque: University of New Mexico Press, 1971), pp. 101-102. The missions were secularized in 1826.
96. Lamar, *The Far Southwest*, p. 50.
97. *Land Title Study*, p. 19.
98. Lamar, *The Far Southwest*, p. 50; Brayer, *William Blackmore*, p. 163. Though a community grant could be acquired by one individual, he had to settle families on the land, who then had equal rights in the grant. His status as patron was purely informal, based on economic considerations, for legally his rights were no greater than those of the other grantees.
99. D. W. Meinig, *Southwest: Three Peoples in Geographical Change, 1600-1970* (London: Oxford University Press, 1971), pp. 28, 31.
100. Swadesh, *Los Primeros Pobladores*, p. 58.
101. Simmons, *The Little Lion of the Southwest*, pp. 47-48, 52.

102. Edward P. Dozier, *The Pueblo Indians of North America* (New York: Holt, Rinehart, and Winston, 1970), p. 99. Dozier disagreed with this view expressed by Twitchell and Gregg.

103. Fray Angélico Chávez, "José Gonzáles, Genízaro Governor," *New Mexico Historical Review* 30 (July 1955): 193-194. Gonzáles was a genízaro whose grandfather was "coyote," and grandmother Pueblo from Taos. He spoke Tewa as well as Spanish.

104. For the best analysis of the Revolt see Phillip Reno, "Rebellion in New Mexico, 1837," *New Mexico Historical Review* 40 (1965): 197-213.

105. Moorhead, *New Mexico's Royal Road*, pp. 70-72; Simmons, *Little Lion of the Southwest*, p. 70. The Texas contingent which invaded in 1841, historically called the Texas-Santa Fe Expedition, was claiming the territory to the Río Grande from source to mouth, a repeat of Jefferson's earlier claim. Several years of border incidents ensued, with disruptions in trade and numerous injuries and deaths at the hands of Texas-hired thugs.

106. Moorhead, *New Mexico's Royal Road*, p. 152.

107. Minge, "Frontier Problems in New Mexico Preceding the Mexican War," pp. 329-30, 33; Lamar, *The Far Southwest*, p. 64.

108. Simmons, *The Little Lion of the Southwest*, p. 97.

109. Ralph Emerson Twitchell, "The Conquest of New Mexico," in *New Mexico Past and Present*, ed. Richard Ellis (Albuquerque: University of New Mexico Press, 1971), p. 119; Lamar, *The Far Southwest*, p. 69.

110. Twitchell, "The Conquest of New Mexico," p. 120; Lamar, *The Far Southwest*, p. 68.

111. Simmons, *The Little Lion of the Southwest*, pp. 101-102, 105.

112. Lamar, *The Far Southwest*, pp. 69-70.

113. Ibid., pp. 30-31. Lamar apparently does not consider that the constant interchange and intermarriage of the many peoples of the Southwest and the Plains prevented "incest" or isolation. Nor does he appear to be aware that New Mexico was a part of Mexico, with a constant exchange which was increasingly cut off by Anglo-American business interests, which in turn, made New Mexico more isolated than it had ever been before.

114. *Treaty of Guadalupe Hidalgo*, in Senate Executive Documents, Thirtieth Congress, First Session, vol. 7 (Washington, D. C.: Wendell and Van Benthensen, 1848), Document no. 60.

CHAPTER FIVE — Capitalization of Land Under Territorial Rule

1. Karl Marx, *Capital: A Critique of Political Economy* (New York: International Publishers, 1973), pp. 767, 713, 716.

2. Rhodes was an English speculator in the colonization of Southern Africa and a contemporary of Catron. The statement is popularly attributed to him.

3. Lawrence R. Murphy, "The United States Army in Taos, 1847-1852," *New Mexico Historical Review* 47 (January 1972): 33-34.

4. Howard Lamar, *The Far Southwest, 1846-1912* (New Haven: Yale University Press, 1966), pp. 33, 73, 83-171, 198.

5. Victor Westphall, *Thomas Benton Catron and His Era* (Tucson: University of Arizona Press, 1973), pp. 6, 11, 21-22, 65, 66, 68, 71-72. Westphall estimates that 40 to 67 percent of all homestead entries in New Mexico were fraudulent; Lamar estimates 90 percent.

6. Ibid., p. 384. In 1912 Catron owned only fourteen land grants. William Blackmore, an English speculator in New Mexico land grants, committed suicide apparently because of his inability to sell his extensive holdings, and having all his money invested in grants. See Herbert O. Brayer, *William*

Blackmore: The Spanish Mexican Land Grants of New Mexico and Colorado 1863-1878 (Denver: Bradford-Robinson, 1949), pp. 337-38.

7. Victor Westphall, *The Public Domain in New Mexico, 1854-1891* (Albuquerque: University of New Mexico Press, 1965), p. 49; see also Westphall, *Thomas Benton Catron and His Era*. Westphall's biography of Catron is a defense of the man and his actions, but on the other hand, Westphall reveals more about Catron's methods than has been before known. Westphall's point is well taken that Catron was no different from any other capitalist.

8. Erich Jacoby, *Man and Land* (London: Andre Deutch, 1971), p. 122.

9. Alfred N. Chandler, *Land Title Origins* (New York: Robert Schalkenback Foundation, 1949), p. 49. Chandler argues that claims greatly reduced the land area "for which the people of the United States had paid Mexico, and which should have become a part of the United States public domain." Of course, the Treaty included $15 million in damages to Mexico, but the Treaty was not a land sale.

10. Brayer, *William Blackmore*, p. 233.

11. Jacoby, *Man and Land*, p. 125. The literature on underdevelopment in colonized areas is extensive. Perhaps the best summary of the literature and an excellent analysis of colonialism and decolonization is Tamas Szentes, *The Political Economy of Underdevelopment* (Budapest: Akademiai Kiado, 1976). There is growing interest in applying theories of underdevelopment to Indian reservations and to the Southwest. Also see Roxanne Ortiz, ed., *Economic Development in American Indian Reservations* (Albuquerque: Native American Studies, University of New Mexico Press, 1979). Joseph Jorgensen deals with the "neo-colonial" context of the reservation situation in *Sun Dance Religion: Power for the Powerless* (Chicago: University of Chicago Press, 1972). A useful historical study of the role of the corporation is H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty and Industrial Civilization in Indian Territory, 1865-1907* (Columbia: University of Missouri Press, 1976).

12. Act of July 2, 1854, *United States Statutes*, vol. 10, p. 308.

13. White, Koch, Kelley, and McCarthy, Attorneys at Law and the New Mexico State Planning Office, *Land Title Study* (Santa Fe: State Planning Office, 1971), p. 29.

14. Brayer, *William Blackmore*, p. 17.

15. *Land Title Study*, p. 29.

16. Westphall, *The Public Domain in New Mexico*, p. 51.

17. Ralph Emerson Twitchell, *Leading Facts of New Mexico History* (Cedar Rapids, Iowa: The Torch Press, 1912), vol. 2, p. 467.

18. Westphall, *The Public Domain in New Mexico*, p. 49; Brayer, *William Blackmore*, p. 137. Blackmore estimated that in 1871, $10,000 would be required to acquire complete information for one of the grants he purchased.

19. *Land Title Study*, pp. 29, 31.

20. Westphall, *The Public Domain in New Mexico*, pp. 18-19.

21. Allan Harper, Andrew Cordova, and Kalervo Oberg, *Man and Resources in the Middle Rio Grande Valley* (Albuquerque: University of New Mexico Press, 1943), p. 18.

22. John R. Van Ness, "Spanish American vs. Anglo Land Tenure and the Study of Economic Change in New Mexico" (Paper presented at the Sixteenth Annual Conference of the Rocky Mountain Social Science Association, El Paso, Texas, April 26, 1974), p. 4

23. Westphall, *The Public Domain in New Mexico*, p. 19. Under American laws and theories of the time, and in light of Spanish and Mexican laws and customs, together with the provisions of the Treaty of Guadalupe Hidalgo, there was ample justification for allowing the land grantees in New Mexico retention of their pasture lands, the basis of their livelihood. Furthermore, the

decisions denying those land rights were unconstitutional based on the Fifth and Fourteenth Constitutional Amendments.

The provisions in Anglo-American law regarding concurrent ownership, specifically estates in common, are sufficiently analogous to the communal property concepts under Spanish and Mexican laws so as to interpret the community grants within that context. The grantees, under tenancy in common, have all of the rights and privileges as do individuals who own real property in fee-simple absolute.

Given the strict holdings denying all but cultivatable, allotted and occupied pieces of land (though in the California Fremont case and New Mexico Maxwell grant case, this strictness was not applied), there were still other remedies at law which would have allowed the people to retain ownership or use of pasture lands. Though the Spanish Crown reserved rights in the outlying land, it did so as a reversionary interest, that is, if the conditions of the grant were not met or if the Crown allotted parts of it to someone else. The interest which the grantees held in using the land, reinforced by juridical possession and livery of seisen, should have remained intact when the United States took control, under the terms of the Treaty, and considering that the conditions subsequent reserved by the Spanish Crown, or by the Mexican government were not broken, or if they had been, the granting authorities never took affirmative action to forfeit the grants.

In some cases, in which the grants were found to be vague as to boundaries, or as in the Pena case, the purpose of the grant was not clear, prescriptive rights and adverse possession could have been found. Under the "lost grant" theory, applying prescription by analogy, the courts could have made the grant good, as they said Congress did in the Tomé grant. The minimum the courts could have done was to establish the grantees as dominant tenements under the theory of prescription creating easements for communities on lands, such as they did in the Maxwell grant. See James A. Casner, *American Law of Property: A Treatise on the Law of Property in the United States*, 7 vols. (Boston: Little Brown, 1952); Cornelius J. Moynihan, *Introduction to the Law of Real Property* (St. Paul: West Publishing Company, 1962).

24. Myra Ellen Jenkins, "Land Tenure and Land Grants in New Mexico" (Paper delivered at New Mexico Institute of Mining and Technology, Socorro, December 6, 1971).

25. *United States* v. *Maxwell Land Grant Company*, U.S. Reports, vol. 121, p. 382.

26. Westphall, *The Public Domain in New Mexico*, p. 43.

27. Robert Johnson Rosenbaum, "Mexicano versus Americano: A Study of Hispanic-American Resistance to Anglo-American Control in New Mexico Territory, 1870-1900" (Ph.D. diss., University of Texas, 1972).

28. Brayer, *William Blackmore*, p. 22.

29. Westphall, *Thomas Benton Catron*, p. 99.

30. Lamar, *The Far Southwest*, p. 146.

31. Westphall, *Thomas Benton Catron*, p. 70. Westphall's analysis is bizarre: "It seems evident that few of his contemporaries realized the extent to which he (Catron) was land poor and the difficulties which beset him in acquiring enough cash to meet his obligations."

32. Brayer, *William Blackmore*, pp. 17, 19, 154.

33. William A. Keleher, *Maxwell Land Grant: A New Mexico Item* (1942; rev. ed., New York: Argosy Antiquarian, 1964), p. 8. As their free capital became tied up in land investments, the capitalists tried to sell the grants before confirmation, but never very successfully.

34. Westphall, *The Public Domain in New Mexico*, pp. 66, 68.

35. Harper, Cordova, and Oberg, *Man and Resources in the Middle Rio Grande Valley*, p. 47.
36. Brayer, *William Blackmore*, pp. 244-45, 247.
37. Lamar, *The Far Southwest*, p. 175.
38. Brayer, *William Blackmore*, p. 8. Throughout his study of Blackmore, Brayer describes the difficulty the English capitalist had with Anglo-American capitalists. The Lincoln County wars, outside the scope of this study or his, also had an undercurrent of competition between Anglo-American and British capitalists.
39. Ibid., pp. 9, 173, 192, 334, 337.
40. Lamar, *The Far Southwest*, p. 172.
41. William I. Parish, *The Charles Ilfeld Company: A Study of the Rise and Decline of Mercantile Capitalism in New Mexico* (Cambridge: Harvard University Press, 1961), p. 35.
42. Lamar, *The Far Southwest*, p. 172.
43. For an account of the use of New Mexican elite volunteer forces by the United States Army in campaigns against the Indians, see Marc Simmons, *The Little Lion of the Southwest: A Life of Manuel Antonio Chaves* (Chicago: The Swallow Press, 1973).
44. Charles Kenner, *A History of New Mexican-Plains Indian Relations* (Norman: University of Oklahoma Press, 1969), pp. 176-201.
45. *Land Title Study*, p. 32. Brayer, *William Blackmore*, p. 16.
46. See Rosenbaum, "Mexicano versus Americano."
47. Westphall, *Thomas Benton Catron*, p. 101.
48. Lamar, *The Far Southwest*, p. 155.
49. Jenkins, "New Mexico Land Tenure History and Pueblo Administration" (Lecture delivered at Ghost Ranch, New Mexico, January 5, 1974), p. 28.
50. Parish, *The Charles Ilfeld Company*, p. 176. Parish compares the loss of the Commons in New Mexico to the enclosure movements in England and Spain in the sixteenth century. For an account of the enclosure movement in England and Wales, and the transformation of the peasantry into wage laborers, see W. G. Hoskins and L. Dudley Stamp, *The Common Lands of England and Wales* (London: Collins, 1963).
51. *United States* v. *Sandoval*, U.S. Reports, vol. 167, p. 278 (1897).
52. *Botiller v. Dominguez*, U.S. Reports, vol. 130, p. 238 (1889).
53. *Land Title Study*, p. 42.
54. *United States* v. *Sandoval*, U.S. Reports, vol. 167, p. 278 (1897). The town of El Cerrito, on the San Miguel del Vado Grant, and the effects of the loss of the commons was the subject of a sociological study by Olen Leonard, *The Role of the Land Grant in the Social Organization and Social Processes of a Spanish American Village in New Mexico* (1943; Albuquerque: Calvin Horn, 1970).
55. *Rio Arriba Land and Cattle Company* v. *United States*, U.S. Reports, vol. 167, p. 298 (1897).
56. *Bergere* v. *United States*, U.S. Reports, vol. 168, p. 66 (1897).
57. *U. S. Statutes*, vol. 11, p. 374.
58. *United States* v. *Joseph*, U.S. Reports, vol. 94, p. 619 (1876).
59. *United States* v. *Sandoval*, U.S. Reports, vol. 231, p. 28 (1913). See M. S. Heaston, "Whiskey Regulation and Indian Land Titles in New Mexico Territory, 1851-1861," *Journal of the West* 10 (1971): 474-83; and also Frank D. Reeve, "Federal Indian Policy in New Mexico, 1858-1880," *New Mexico Historical Review* 12 (July 1937): 218-19; 13 (January 1938): 14-62; 13 (April 1938): 146-91; 13 (July 1938): 261-313.
60. Herbert O. Brayer, *Pueblo Indian Land Grants of the "Rio Abajo" New Mexico* (Albuquerque: University of New Mexico Press, 1939), p. 26.
61. "An Act to Quiet Title to Lands Within Pueblo Indian Land Grants," *U. S. Statutes*, vol. 43, p. 636 (1924).

62. Brayer, *Pueblo Indian Land Grants*, p. 31.
63. Felix Cohen, *Handbook of Federal Indian Law* (1942; reprint ed. Albuquerque: University of New Mexico Press, 1972), p. 393.
64. Harper, Cordova, and Oberg, *Man and Resources in the Middle Rio Grande Valley*, pp. 29-30, 35, 40-42, 51-52.
65. Walter L. Williams, "United States Indian Policy and the Debate Over Philippine Annexation: Implications for the Origins of American Imperialism," *Journal of American History* 66 (March 1980). Williams shows that the same proponents of overseas expansion favored the taking of Indian lands.
66. William F. Stone, "Report on the Court of Private Land Claims," *Minutes of the New Mexico Bar Association Eighteenth Annual Session* (Santa Fe: New Mexico Bar Association, 1904).

CHAPTER SIX — Land Tenure Under Capitalism

1. Karl Marx, *Capital: A Critique of Political Economy* (New York: International Publishers, 1973), p. 364.
2. Victor Westphall, *Thomas Benton Catron and His Era* (Tucson: University of Arizona Press, 1973), p. 308. Between 1849 and 1910, fifty congressional acts were introduced calling for New Mexico statehood.
3. Robert Larson, *New Mexico's Quest for Statehood* (Albuquerque: University of New Mexico Press, 1968), pp. 303-304.
4. George Sánchez, *Forgotten People: A Study of New Mexicans* (Albuquerque: University of New Mexico Press, 1940), p. 65. The results of decreased tax income had a negative effect on education in the area, and children of migrant parents received little or no schooling at all.
5. See Allan G. Harper, Andrew Cordova, and Kalervo Oberg, *Man and Resources in the Middle Rio Grande Valley* (Albuquerque: University of New Mexico Press, 1943).
6. Olen Leonard, *The Role of the Land Grant in the Social Organization and Social Processes of a Spanish American Village in New Mexico* (1943; Albuquerque: Calvin Horn Publishers, 1970), pp. 16, 18.
7. Ibid. Even in the 1920s, approximately 12,500 rural Mexicans held seasonal jobs each year, and about two thirds of these left the state for employment. See Sanford Mosk, "The Influences of Tradition on Agriculture in New Mexico," *Journal of Economic History* 2, Supp. (November 1942): 49.
8. Leonard, *The Role of the Land Grant*, pp. 58, 60.
9. Harper, Cordova, and Oberg, *Man and Resources in the Middle Rio Grande Valley*, pp. 65, 69, 73.
10. William St. C. Greever, *Arid Domain: The Santa Fe Railroad and Its Western Land Grant* (Stanford: Stanford University Press, 1954). Greever examined the relationship of the railroad to Indian lands.
11. Richard I. Ford, "An Ecological Perspective on the Eastern Pueblos," in *New Perspectives on the Pueblos*, ed. Alfonso Ortiz (Albuquerque: University of New Mexico Press, 1972), p. 8. See also Harper, Cordova, and Oberg, *Man and Resources in the Middle Rio Grande Valley*, p. 73.
12. Joe S. Sando, *The Pueblo Indians* (San Francisco: The Indian Historian Press, 1976), p. 87. See also Imre Sutton, *Indian Land Tenure: Bibliographical Essays and a Guide to the Literature* (New York: Clearwater Publishing Company, 1975); Alvar W. Carlson, "The Rio Arriba: A Geographical Appraisal of the Spanish-American Homeland" (Ph.D. diss., University of Minnesota, 1971); Monroe Price, *Law and the American Indian: Readings, Notes and Cases* (Minneapolis: Bobbs Merrill, 1973).
13. Sando, *The Pueblo Indians*, p. 122.

14. Ibid., pp. 95, 98-99.
15. Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-54* (Tucson: University of Arizona Press, 1977), pp. 26-54, 117.
16. Charles Loomis, "Wartime Migration from the Rural Spanish American Villages of Northern New Mexico," *Rural Sociology* 7 (December 1942): 384-395.
17. Frances L. Swadesh, *Los Primeros Pobladores: Hispanic Americans of the Ute Frontier* (Notre Dame, Indiana: University of Notre Dame Press, 1974), p. 126.
18. Harper, Cordova, and Oberg, *Man and Resources in the Middle Rio Grande Valley*, pp. 65, 75; Lester Robbins, "Land Grants and Agriculture in Taos Valley" (Unpublished manuscript, Taos, New Mexico, 1971), p. 2.
19. William I. Parish, *The Charles Ilfeld Company: A Study of the Rise and Decline of Mercantile Capitalism in New Mexico* (Cambridge: Harvard University Press, 1961), pp. 260, 269.
20. The northern counties include Santa Fe, San Miguel, Mora, Taos, Rio Arriba, Sandoval, and Guadalupe.
21. *United States Census of Agriculture* vol. 1, part 42, New Mexico (Washington, D.C.: U.S. Government Printing Office, 1959).
22. Thomas J. Maloney, "Recent Demographic and Economic Changes in Northern New Mexico," *New Mexico Business* 17 (September 1964): 13.
23. Robbins, "Land Grants and Agriculture in Taos Valley," pp. 12-13. Robbins indicates these are commonly reported occurrences, not unusual cases.
24. Maloney, "Recent Demographic and Economic Changes in Northern New Mexico," pp. 4-8. The decline in agriculture in northern New Mexico was parallel to rural population decline nationwide during the same period.
25. Ibid. pp. 5-8. The Anglo-American population of Sandoval County is 70 percent of the total county population.
26. Robbins, "Land Grants and Agriculture in Taos Valley," p. 3; *United States Census of Agriculture*, vol. 1, part 42, 1959.
27. Maloney, "Recent Demographic and Economic Changes in Northern New Mexico," p. 9.
28. White, Koch, Kelley, and McCarthy, Attorneys at Law and the New Mexico State Planning Office, *Land Title Study* (Santa Fe: State Planning Office, 1971), p. 64, gives Taos County Assessor figures.
29. Ibid., Rio Arriba County Assessor figures.
30. Ibid., Mora County Assessor figures, p. 65.
31. Ibid., citing San Miguel County Assessor figures.
32. Ibid., pp. 65, 68, 79-82, 84.
33. Many land grant areas of northern New Mexico have never been surveyed and old survey markings have disappeared. Ibid., pp. 70, 153, 156.
34. Clyde Eastman, "Contrasting Attitudes Toward Land in New Mexico, *New Mexico Business* 24 (January 1971): 11-13.
35. Ibid., p. 11; Clark Knowlton, "Land Grant Problems Among the State's Spanish Americans," *New Mexico Business* 20 (March 1967).
36. Knowlton, "Land Grant Problems Among the State's Spanish Americans," p. 1.
37. Clark Knowlton, "One Approach to the Economic and Social Problems of Northern New Mexico," *New Mexico Business* 17 (September 1964): 17-19. Knowlton recommends industrial development and village reconstruction for the area, including commercial lumber manufacturing as well as extraction owned by village cooperatives. He also recommends the development of greater commercial recreation controlled by village groups.
38. Knowlton, "Land Grant Problems Among the State's Spanish Americans." The region has been described as "a kind of Afganistan of North America," *Albuquerque Journal*, Dec. 30, 1979, B.4.

39. Richard Allen Nielson, "American Indian Land Claims," *University of Florida Law Review*, 25 (Winter 1972): 321, 323. The land was part of Carson National Forest.

40. From the statement of James E. Snead, President of the Santa Fe Wildlife and Conservation Association; "Taos Indians — Blue Lake," hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, United States Senate, Nineteenth Congress, Second Session, September 19-20, 1968, in *Primitive Law – United States Congressional Documents*, vol. 9, part 1 (Washington, D.C.: U.S. Government Printing Office, 1968), p. 216. Federal land comprises 33 percent of the state, or 25.7 million acres.

41. For senators' arguments against the return of Blue Lake to Taos, see "Pueblo de Taos Indians Cultural and Ceremonial Shrine Protection Act of 1970," Proceedings and Debates of the Ninety-first Congress, Second Session, December 2, 1970, *United States of America Congressional Record*, vol. 116, part 29 (Washington, D.C.: U.S. Government Printing Office, 1970), pp. 39, 587, 29, 589-90, 39, 594-97.

42. Nielson, "American Indian Land Claims," p. 324.

43. Several federal land grant cases have been brought in federal courts; one went to the Supreme Court in 1952, but was denied hearing: *Martinez* v. *Rivera*, Federal Reporter, second series, vol. 196, Circuit Court of Appeals, Tenth Circuit, April 16, 1952, pp. 192-94.

44. Patricia Bell Blawis, *Tijerina and the Land Grants* (New York: International Publishers, 1971), pp. 80-98.

45. Ibid.

46. Frances Leon Swadesh, *Los Primeros Pobladores*, p. 129. Dr. Swadesh, an expert on the land grants of New Mexico, has served as an expert witness for the Alianza.

47. Sutton, *Indian Land Tenure*, p. 162; William H. Veeder, "Water Rights: Life or Death for the American Indian," *Indian Historian* 5 (1972): 14-21.

48. Sutton, *Indian Land Tenure*, p. 163.

49. Sando, *The Pueblo Indians*, p. 129.

50. Ibid., p. 129.

51. Ibid., p. 106, 130.

52. Ibid., p. 108. See also William H. Veeder, "Winters Doctrine Rights" *Montana Law Review* 26 (1965): 149-72; Veeder, "Indian Private and Paramount Rights to Use of Waters," *Rocky Mountain Mineral Law Institute* 16 (1971): 631-68; Veeder, "Water Rights: Life or Death for the American Indian;" Steve Nickeson, "Pueblo Water: The More Things Change the More They Stay the Same," *Race Relations Reporter* 5 (July 1974): 13-19; and Norris Hundley, Jr., "The Dark and Bloody Ground of Indian Water Rights: Confusion Elevated to Principle," *Western Historical Quarterly* 9 (October 1978): 455-82, reprinted in *Economic Development in American Indian Reservations*, ed. Roxanne Dunbar Ortiz (Albuquerque: Native American Studies Center, University of New Mexico, 1979), pp. 43-60.

53. Carson National Forest was created by Executive Order No. 848, June 26, 1906, Sixtieth Congress, Session 1, *Statutes at Large*, vol. 35, part 2, pp. 2, 240.

54. Harper, Cordova, and Oberg, *Man and Resources in the Middle Rio Grande Valley*, p. 54; Robbins, *Land Grants and Agriculture in Taos Valley*, p. 20.

55. Nielson, "American Indian Land Claims," p. 325. Nielson points out that claims to privately owned land would be much more difficult to maintain.

56. Phillip Reno, "Uranium," *Four Directions* 2 (Spring 1978): 7.

57. H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty and Industrial Civilization in Indian Territory, 1865-1907* (Columbia: University of Missouri Press, 1976), p. xiv.

58. James Dick, *Mineral Leasing On Indian Lands: Report to the Federal Trade Commission* (Springfield, Virginia: National Technical Information Service, 1975).
59. Monroe E. Price, "Lawyers on the Reservation: Some Implications for the Legal Profession," *Law and Social Order* 2 (1969): 164.
60. United Press International, "Firms Offices in Mountain View," *San Jose Mercury*, February 21, 1975, p. 1.
61. Roxanne Dunbar Ortiz, "Fairchild Corporation and Neocolonialism" (Unpublished manuscript, San Jose, California 1975).
62. Tamas Szentes, *The Political Economy of Underdevelopment* (Budapest: Academy of Science, 1976), pp. 62-63.

CONCLUSION

1. Albert Schroeder, "Rio Grande Ethnohistory," in *New Perspectives on the Pueblos*, ed. Alfonso Ortiz (Albuquerque: University of New Mexico Press, 1972), pp. 68-69.
2. Those who ponder the question of "cultural survival" of peoples under colonialism tend to end in a theory of "dualism." Andre Gunder Frank is a foremost critic of the notion of "dualism": "Each of the two parts is supposed to have a history of its own, a structure, and a contemporary dynamic largely independent of the other. Supposedly only one part of the economy and society has been importantly affected by intimate economic relations with the 'outside' capitalist world; and that part, it is held, became modern, capitalist, and relatively developed precisely because of this contact. The other part is widely regarded as variously isolated, subsistence-based, feudal, or pre-capitalist, and therefore more underdeveloped." Andre Gunder Frank, *The Development of Underdevelopment* (New York: Monthly Review Press, 1969), pp. 4-5. Frank believes that, on the contrary, the entire "dual" society thesis is false and that the strategy to which it leads serves only to perpetuate the very conditions it seeks to eradicate. Frank maintains: "The expansion of the capitalist system over the past centuries effectively and entirely penetrated even the apparently most isolated sectors of the underdeveloped world and the economic, political, social, and cultural institutions and relations we now observe there are the products of the historical development of the capitalist system no less than are the seemingly more modern or capitalist features of metropoles of underdeveloped areas."
3. A. Irving Hallowell, "Nature and Function of Property as a Social Institution," *Journal of Legal and Political Sociology* 1 (1943): 115-38; Hallowell, "The Backwash of the Frontier," in *Frontiers in Perspective*, ed. W. D. Wyman and C. B. Kroeber (Madison: University of Wisconsin Press, 1957); Roxanne Dunbar Ortiz, ed., *Economic Development in American Indian Reservations* (Albuquerque: Native American Studies Center, University of New Mexico Press, 1979).
4. Eric Wolf defines peasants as "rural cultivators whose surpluses are transferred to a dominant group of rulers." He describes a farmer as an agricultural entrepreneur. Eric Wolf, *Peasants* (Englewood Cliffs, N.J.: Prentice-Hall, 1966), p. 5. However, Erich Jacoby uses the term "peasant" to refer to a broad group of owner-operators, tenants, sharecroppers, landless laborers, serfs, and squatters, as well as rural people who have left the land, who are only semi-urbanized in a "status suspension." The displaced peasant which Jacoby identifies as characteristic in underdeveloped countries describes the Mexican villagers in northern New Mexico: "He will keep in closest possible contact with his village, from where he frequently receives the larger part of

his meager food supply and thus remains a member of the family relinquishing neither his inheritance rights nor his status in the village community. But most important of all, in the event of structural changes in his area he will return to claim his share of the land and therefore is a potential member of any movement pressing for changes in the prevailing man-land relationship." Erich Jacoby, *Man and Land* (London: Andre Deutch, 1971), p. 99.

5. A sizeable literature exists on the question of exploitation of the environment and the involvement of corporations and the federal and state governments. See Richard Nafziger, *Transnational Energy Corporations and American Indian Development*, occasional paper (Albuquerque: Native American Studies Center, University of New Mexico, 1979); Phillip Reno, *Mother Earth, Father Sun: Navajo Resources and Economic Development* (Albuquerque: Native American Studies Center, University of New Mexico, 1980).

Bibliographical Essay

In selecting materials for an investigation of the history of land tenure in northern New Mexico, three criteria were employed. First, primary and secondary sources which specifically related to land tenure and land use in the area were given priority. Second, primary and secondary sources which presented comprehensive and objective institutional and historical background material were chosen. Third, materials containing relevant and accurate information, whether biased or objective in their approach, were consulted. In this survey of useful materials, sources are arranged by archival materials; published primary sources; secondary sources; and bibliographies. Within each category, general background materials are first discussed chronologically followed by sources helpful to a study of New Mexico land tenure. Sources discussed plus others useful to researchers are cited in the bibliography.

Archival Materials

Documents relating to Spanish explorations and colonization of New Mexico are located in the Archivo General y Publico de la Nación, Provincias Internas, housed in the Palacio Nacional, Mexico D.F. and in the Archivo General de Indias, Sevilla, Spain. Some microfilm and photocopies from those archives are located in the Bancroft Library, Berkeley, California. Fray Angélico Chávez's "Some Original New Mexico Documents in California Libraries," *New Mexico Historical Review* 25 (3), (July 1950): 244-53, is helpful in locating Spanish and Mexican documents in California. Copies of some of the documents are also available in the Coronado Room of the University of New Mexico Library in Albuquerque.

The New Mexico State Records and Archives Center, Santa Fe, houses microfilm of the Spanish and Mexican Archives of New Mexico. The earliest document is dated 1621 and is followed by only two other documents from the first colony. The remainder of the Spanish documents date from 1694 to 1821, and include instructions from Mexico City and

Chihuahua; instructions from governors to alcaldes mayor and reports by alcaldes to governors; census reports; probate records; and land grant documents. The Mexican Archives are dated 1821 to 1846 and contain primarily military records and accounts, but there are also census reports, official reports and correspondence with the national government. The State Archivist, Myra Ellen Jenkins, published guides to each of the archival collections: *Guide to the Microfilm of the Spanish Archives of New Mexico, 1621-1821* (Santa Fe: State of New Mexico Records Center, 1967); and *Guide to the Microfilm Edition of the Mexican Archives of New Mexico, 1821-1846* (Santa Fe: State of New Mexico Records Center, 1969).

Additional documentary materials for the Mexican period are located in the Ritch Collection at the Huntington Library, San Marino, California, and at the Bancroft Library, Berkeley. The Ritch Collection is the most complete archival source for the United States Territorial period as well. Letters, memoirs, diaries, and legal documents cover the period of conquest, the military and civil governments, campaigns against the Navajos, and land grant adjudication. An additional collection of documents from the 1847-1849 period are housed at the Bancroft Library. The Catron papers and the Maxwell Land Grant Collection are located in the Coronado Room of the University of New Mexico Library.

In 1854, all Spanish and Mexican records of land grants were separated from the archives for use by the Surveyor General. The originals are housed in the Bureau of Land Management, United States Department of the Interior, Santa Fe. The collection has been microfilmed, and copies of some of the materials are located at the Bancroft Library, and other university libraries. The collection includes claims adjudicated by the Surveyors Generals, and records of cases before the Court of Private Land Claims, as well as the grant documents themselves. An indispensable guide to the microfilm collection was published by Albert James Diaz, *A Guide to the Microfilm of Papers Relating to New Mexico Land Grants*, Library Series No. 1 (Albuquerque: University of New Mexico Publications, 1960), in which cases are listed alphabetically and by case number.

Published Primary Sources

Many archival documents relating to New Mexico have been translated and published. The Coronado expedition of 1540-1542 was chronicled by one of Coronado's soldiers, Pedro de Castañeda, who wrote the narrative some twenty years later. George Hammond translated and published Castañeda's history, *Narratives of the Coronado Expedition, 1540-42* (Albuquerque: University of New Mexico Press, 1940). The 1569 expedition of Francisco Ibarra was recorded by Baltasár Obregón who wrote his chronicle twenty years after the event. Dr. Hammond also translated and published *Obregón's History* (Los Angeles: Wetzel Publishing Co., 1928). Both Castañeda's and Obregón's chronicles were widely distributed and read in Spain and in the colonies. The propagandistic nature of the narratives limits their usefulness in some respects, as does the time lapse between the events and the writings. However, both chronicles offer the first historical accounts of the Pueblos, the land, and Spanish motivation for conquering the area. Since the explorers did not know the languages of the Pueblos, their interpretations of Pueblo explanations of events and customs must be critically appraised, but their visual descriptions are very useful.

A number of explorations followed Ibarra's and narratives from these were collected, translated, edited and published by George Hammond and Agapito Rey in *The Rediscovery of New Mexico, 1580-1594* (Albuquerque: University of New Mexico Press, 1966). The explorations of Chamuscado, Espejo, Castaño de Sosa, Morlete, Leyva de Bonilla, and Humaña are included.

From the three sixteenth-century collections, a picture of Pueblo society and land use can be extracted as well as changes which were observed during the half century before colonization. Even more valuable though is the insight provided by the chroniclers into the outlook of the explorers and the processes of Spanish imperialism in America.

The documents included in *Don Juan Oñate and the Founding of New Mexico* (1927; reprint ed., Albuquerque: Historical Society of New Mexico, 1953), also translated and edited by Hammond and Rey, are of a different sort. Rather than narratives, they include the colonizing contract, the muster roll, and declarations of the soldier-colonists. Every item taken to New

Mexico by the party is listed. Unfortunately neither the numbers nor the origins of the numerous servants are recorded. The birthplace and physical description of each soldier is briefly listed.

Adolf and Fanny Bandelier collected and translated many Spanish documents from colonial New Mexico, and Charles Hackett edited the collection, published in three volumes, *Historical Documents Relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773* (Washington, D.C.: Carnegie Institute, vol. 1, 1923; vol. 2, 1926; vol. 3, 1937). Official instructions, reports, and correspondences are included, relating to civil and church matters, to the Pueblos, and to the hostile nomads. A valuable, well-selected collection, it presents an overall view of the colony of the seventeenth and the eighteenth centuries.

Gaspar Pérez de Villagrá Alcalá, a soldier-colonist in the early New Mexico colony, wrote a history of New Mexico in 1610, which Gilberto Espinosa translated and edited, entitled, *A History of New Mexico by Gaspar Pérez de Villagrá Alcalá, 1610*, Publication no. 4 (Albuquerque: The Quivira Society, 1933). The document is of limited use, since Villagrá's approach was romantic, tragic, and poetic. The most useful early document from the colony which has been published is *Fray Alonso de Benavides' Revised Memorial of 1634*, Coronado Historical Series, vol. 4 (Albuquerque: University of New Mexico Press, 1945), translated by Frederick Webb Hodge, George Hammond, and Agapito Rey. Fray Benavides was in charge of the Franciscan missions in New Mexico from 1625 to 1629, and his revised memorial was written for Pope Urban VIII. Benavides attempted to write on the Pueblos and Athabascans from an historical perspective, using previous chronicles and his own observations, providing the most objective early account of the native people, but revealing little about the colony.

Documents relating to events leading to the Pueblo Revolt of 1680, the revolt itself, and attempted reconquest were collected and translated by Charles Hackett in two volumes entitled *Revolt of the Pueblo Indians of New Mexico and Otermin's Attempted Reconquest, 1680-1682*, Coronado Historical Series, vols. 8 and 9 (Albuquerque: University of New Mexico Press, 1942). Though sixteenth-century documents were destroyed

during the revolt, the testimonies of prisoners and reports of officials during the exile period reconstruct the final decades of the colony's existence. Testimonies of Pueblo informants and prisoners present a rare historical account from the point of view of the Pueblos. The documents are particularly useful because of the self-critical attitude of the officials who were attempting to comprehend what had made the colony fail. The debates over whether to reconquer the territory, and what changes to make in a new colony, provide insight into the approach of the second colonization.

Since the eighteenth-century colony was primarily concerned with Indian resistance, so, too, are the published documents. Alfred Thomas edited and translated two volumes of documents: *The Plains Indian and New Mexico, 1751-1778* (Albuquerque: University of New Mexico Press, 1940), and *Forgotten Frontiers: A Study of the Spanish Indian Policy of Don Juan Bautista de Anza, Governor of New Mexico, 1777-1787* (Norman: University of Oklahoma Press, 1932). Colonial warfare with the Indians and peace maneuvers are reflected in seven documents from the period 1785-1819, translated by Marc Simmons, *Border Comanches, Seven Spanish Colonial Documents* (Santa Fe: Stage Coach Press, 1967). Together the documents cover a sixty-eight year period of frequent warfare. Thomas' collection of documents from the Anza regime is the most important for land tenure history, because during those years a policy of increasing frontier settlements and concentration of scattered farms into fortified villages was formulated and carried out.

A particularly useful source for eighteenth-century Pueblo and Hispano village land tenure and land use is Fray Francisco Atanasio Domínguez's report on the missions, translated by Eleanor Adams and Fray Angélico Chávez, entitled *The Missions of New Mexico* (Albuquerque: University of New Mexico Press, 1956). Fray Domínguez was sent from Mexico to New Mexico in 1775 to make a visitation of the Franciscan missions. He was extremely critical of the economic and spiritual conditions in the colony, but his descriptions are detailed and include every Pueblo, most Hispano villages, and nearby haciendas and ranchos.

Similarly, Don Pedro Bautista Pino's 1812 "Exposición," presented to the Spanish cortes, is a critical account. Translated and published by H. Bailey Carroll and J. Villasana

Haggard, in *Three New Mexico Chronicles* (Albuquerque: The Quivira Society, 1942), Pino's "Exposición" has limited value since it was written for the purpose of acquiring funds from the Spanish government. Pino was a member of one of the elite families of the colony and was complaining mainly about the lack of capital and wealth on the part of the elite, due to the sharp practices of Chihuahua merchants. He had little to say about the villages or society in general. Pino's report does expose the outlook of the elite of New Mexico at the end of the colonial period. Finally, an important published primary source for the late colonial period is, *The Expedition of Zebulon Montgomery Pike*, ed. Elliott Coues (New York: F. P. Harper, 1895), which provides information relating to the Chihuahua trade. The notion that Pike was on a United States government espionage mission is disputed, but whether an official spy or not, Pike kept day to day notes during his journey as a prisoner from New Mexico to Chihuahua, and acquired official reports on the economy of the northern provinces.

The independence of Mexico extended the Chihuahua-Sante Fe trade route to Missouri, and merchants poured into the northern province. Two journals are particularly useful to a study of land tenure. Josiah Gregg, more a literary man than a merchant, travelled to all parts of northern New Mexico during the 1830s. In *Commerce of the Prairies*, ed. Max Moorhead (Norman: University of Oklahoma Press, 1954), he described the land use and social customs of the frontier villagers and the Pueblos in some detail, often unaccompanied by the contemptuous attitude which marked the observations of the foreign merchants. For an example of the attitude, Waddy Thompson's *Recollections of Mexico* (New York: Wiley & Putnam Publishers, 1836), is revealing. Thompson, a merchant, not only expresses the usual contempt, but formulates the jingoistic attitude which historians generally associate with a much later period, the 1890s.

The official New Mexican response to the invasion of foreign merchants is revealed in seven documents from the period 1825-1828, translated and published by David Weber, entitled *Los Extranjeros: Selected Documents from the Mexican Side of the Santa Fe Trail, 1825-1828* (Santa Fe: Stagecoach Press, 1967). The documents make clear the need for research into the Mexican period. The assumption of New Mexican governmental

inefficiency and indifference, as well as the Mexican government's chaos and disinterest in the northern province, does not fit with the message of the documents.

Two published documents expose the material wealth and lifestyle of the elite of New Mexico during the Mexican period. Ward Allen Minge translated and edited the will of Don Severino Martínez in "The Last Will and Testament of Don Severino Martínez," *New Mexico Quarterly* 33, no. 1 (Spring 1963): 33-56. Martínez was an affluent landowner in the Taos area and father of José Martínez, the angry priest-protagonist of the "American Party of Taos." The will of Juan Geronimo Torres, translated by Lynn Perrigo, "New Mexico in the Mexican Period, as Revealed in the Torres Documents," *New Mexico Historical Review* 29, no. 1 (January 1954): 28-41, reveals the life of a less affluent large landowner. The Carroll and Haggard publication, *Three New Mexico Chronicles* also includes two documents from the Mexican period: *The Ojeada of Lic. Antonio Barreiro, 1832* and the observations of a Mexican visitor, Don José Agustín de Escudero. Barreiro made especially perceptive observations of the land and people, and of United States imperialism.

Some land grant documents were translated and listed by Ralph Emerson Twitchell in vol. 1 of *The Spanish Archives of New Mexico* (Cedar Rapids, Iowa: The Torch Press, 1914), but they are not complete documents. The best source for published land grant documents are reports of United States Supreme Court cases, deciding Court of Private Land Claims Cases on Appeal. Reports of cases are located in law libraries.

The primary source for Spanish land law is the *Recopilación de leyes de los reynos de las Indias, 1681*, 4 vols. (Madrid: Boix, 1841). The *Recopilación* has been edited and published many times, but never completely in English. Matthew Reynolds, the United States attorney in the adjudication of land grants before the Court of Private Land Claims, translated many of the land laws from the *Recopilación* and published the work in 1895 in one volume, *Spanish and Mexican Land Laws, New Spain and Mexico* (St. Louis: Buxton and Skinner Stationery Company, 1895). Reynold's translation is not seriously faulty, but his selection of laws is questionable. Since the publication was the primary source for the law applied by the Court of Private Land Claims and the Supreme Court, it is important and should be analyzed in detail. Reynold's publication includes a selection of Mexican

land laws as well. But a more complete English translation of Mexican land laws is Frederick Hall's *The Laws of Mexico: A Compilation and Treatise Relating to Real Property, Mines, Water Rights, Personal Rights, Contracts, and Inheritances* (San Francisco: A. L. Bancroft and Company, 1885).

Other published sources for materials relating to land grants are the congressional acts confirming the Treaty of Guadalupe Hidalgo, *United States Statutes*, 9 (1848), 922; creation of the office of United States Surveyor General of New Mexico, *United States Statutes*, 10 (1848), 308; and creation of the Court of Private Land Claims, *United States Statutes*, 26 (1848), 854.

The most useful single volume collection of documents covering the larger northern area and the colonial, Mexican, and United States periods, is David Weber's *Foreigners in Their Native Land: Historical Roots of the Mexican Americans* (Albuquerque: University of New Mexico Press, 1973). The documents were chosen to present a history of Mexicans in the northern area and deal with contract laborers from Mexico as well as natives of the area. The documents express the Mexican point of view toward history. The several documents from New Mexico are well selected, though most have been previously translated and published. The collection is useful because it brings the sources together in one book with insightful introductions to each period.

Secondary Sources

Important to the history of land tenure is the political, social, and economic background of the periods of Pueblo, Spanish, Mexican, and United States dominance in the area. The classic survey, Hubert Howe Bancroft's *History of Arizona and New Mexico, 1530-1808* (1889; reprint ed., Albuquerque: Horn & Wallace, 1962), is dated. Twitchell's *Leading Facts of New Mexican History* (Cedar Rapids, Iowa: The Torch Press, 1912), is a reliable, factual survey of New Mexico institutional history prior to statehood, despite its positive bias toward the Santa Fe Ring. Eugene Hollon's textbook history of the larger area, *The Southwest, Old and New* (New York: Alfred Knopf, 1961), provides some excellent material on New Mexico history. For an interpretive history of the northern area, attorney Carey McWilliam's *North from Mexico* (1949; reprint ed., New York: Greenwood

Press, 1968), offers a revisionist point of view toward the United States Conquest.

George Sánchez wrote *Forgotten People: A Study of New Mexicans* (Albuquerque: University of New Mexico Press, 1940), the first social history of New Mexicans, the effects of the colonial and Mexican past, and United States intrusion. The study is particularly valuable for its insight into the plight of a colonized peoples. *Cycles of Conquest: The Impact of Spain, Mexico and the United States on the Indians of the Southwest, 1533-1960* (Tucson: University of Arizona Press, 1962) by Edward Spicer is an analytical study of the impact of conquests on the native peoples of the northern area. Generalized in places, it provides reliable information and invaluable insights. A similar approach to the area is taken by the anthropologist, Charles DiPeso, in a provocative and convincing study of "Gran Chichimeca." In "Casas Grandes and the Gran Chichimeca," *El Palacio* 75, no. 4 (Winter 1968): 47-60. DiPeso identifies a cultural area from the valley of Mexico to Southwest North America as a once active trade network, and an unchangeable cultural unit.

Studies of Pueblo societies are overwhelmingly anthropological and ethnohistorical. Historians refer to the Pueblos and summarize the anthropological findings, but little effort is made to relate the Pueblos to the four hundred years of intense interaction with the Hispanicized people of the area. The emphasis in anthropological works is cultural, largely based on interviews and archeological information. The late Edward Dozier, a Santa Clara Pueblo Indian and anthropologist, attempted to relate the Pueblos to historical events in his study, *The Pueblo Indians of North America* (New York: Holt, Rinehart, and Winston Publishers, 1970). Dozier's knowledge of the history of the area was limited, but the work is a structural model of the sort of study which is needed. Alfonso Ortiz, a Tewa Pueblo Indian and anthropologist, has restructured the Pueblo world view in two works: *The Tewa World* (Chicago: University of Chicago Press, 1969), and "Ritual Drama and the Pueblo World View," in *New Perspectives on the Pueblos,* ed. Alfonso Ortiz (Albuquerque: University of New Mexico Press, 1972). The studies are epistemological and conclusive, but are of limited use for the historian. Albert Schroeder, also an anthropologist, has concentrated on researching the Spanish and Mexican archives for material on the Pueblos and has published several studies link-

ing the documents together. The most useful study, "Rio Grande Ethnohistory" (also in *New Perspectives on the Pueblos*) presents an analytical concept for the development of ethnohistory of the Pueblos using documents contemporary with the period under study, ethnographic information, and archeological materials.

Schroeder edited *Changing Ways of the Southwestern Indians: A Historic Perspective* (Glorietta, New Mexico: Rio Grande Press, 1973), a collection of new articles by students of nomadic and Pueblo societies of the area. "The Pueblo of Nambé and Its Lands," pp. 91-103, by Dr. Myra Ellen Jenkins is valuable for land tenure history.

For the history of seventeenth-century social relations in New Mexico, three especially important studies exist. Jack Forbes' *Apache, Navaho and Spaniard* (Norman: University of Oklahoma Press, 1960), is useful for the massive documentation from the archives of Mexico and Seville, but is sometimes inaccurate in terms of dates and identification of tribes. The study is concerned with sixteenth and seventeenth-century encounters in the whole northern area of Apache habitation. A recent study which parallels in tone and subject matter Forbes' pioneering work of 1960 is Dolores Gunnerson's well-documented, *The Jicarilla Apaches: A Study in Survival* (DeKalb: Northern Illinois University Press, 1974), the first half of which is a study of all Apache tribes in relation to the Spanish explorers and conquerors. Gunnerson, like Forbes, denies the usually accepted notion perpetuated by many scholars of Apache hostility toward the Pueblos. Gunnerson and Forbes show the inter-Pueblo factionalism with various bands of Apaches allying with different Pueblos rather than all Apaches against all sedentary peoples; the latter theory tends to justify Spanish conquest, expressed succinctly by Alfred Thomas:

> Apache, Comanche and Ute, riding with the other three horsemen, drought, famine and disease, bade fair to destroy the Pueblo. For them the Spaniard came as saviors. Against starvation the padre's prayer and Spanish grain supported them; barbarian inroads met the steel of Spanish courage. The unwritten record of this heroic defense of New Mexico is lined with Spanish blood that alone saved the distinctive Pueblo Southwest and dulled the edge of surrounding savagry. (*Forgotten Frontiers*, p. 84.)

The most important study of eighteenth-century social relations is Charles Kenner's *A History of New Mexican-Plains Indian Relations* (Norman: University of Oklahoma Press, 1969), which spans the period 1700-1872. Concerned primarily with Comanche trade, the work provides a general analysis of eighteenth and nineteenth-century warfare and trade, contrasting colonial and Mexican New Mexico relations with the resistant Indians and the United States policy toward them. Of particular interest are Kenner's several chapters on the comanchero trade and on the ciboleros, and their demise with the entrance of mercantile capitalism.

Period histories of New Mexico are few, but of excellent quality. The seventeenth-century Spanish colony of New Mexico was the subject of France V. Scholes' pioneering research and analysis. Based on Spanish archival documents, Scholes reconstructed church and state relations in *Church and State in New Mexico, 1610-1650,* Publications in History, vol. 2 (Albuquerque: Historical Society of New Mexico, 1937), and continued the study of the colony in *Troublous Times in New Mexico, 1659-1670,* Publications in History, vol. 7 (Albuquerque: Historical Society of New Mexico, 1942). Scholes' work is objective and scientific. Though published in the late 1930s and early 1940s Scholes' work is not laden with the proimperialist spirit of other early writers, or is it a perpetuation of the "Black Legend" of Spanish conquest.

Despite the publication of the documents of the Pueblo Revolt fifty years ago, historians have taken little interest in analyzing the period. Forbes' analysis in *Apache, Navaho and Spaniard*, is the most extensive, but its focus is on the Apaches rather than the Pueblos. Fray Angélico Chávez, historian and genealogist of New Mexico colonial society, published a study of the leadership of the revolt, "Phe-Yemo's Representation and the Pueblo Revolt of 1680," *New Mexico Historical Review* 42, no. 2 (April 1967): 85-127, in which he postulates the identity of the actual leader of the revolt as a rebellious Hispanicized mulato who lived among the Pueblos. The theroy of leadership being other than Pueblo has little basis, though Chávez does show that many mestizos and mulatos lived among the Pueblos and identified with them as against the officials and soldier-colonists. However, Chávez's main point seems to be concerned with the impossibility of the "docile" Pueblos carrying out a revolt.

Franklin Folsom takes issue with Chávez in *Red Power on the Rio Grande: The Native American Revolution of 1680* (Chicago: Follett Publishing Company, 1973), an excellent narrative of the revolt based on documentation. "Roots of Resistance: Pueblo Land Tenure and Spanish Colonization," *Journal of Ethnic Studies* 5, no. 4 (Winter 1978): 34-53, by Roxanne Dunbar Ortiz, presents a closely documented account of the revolt and its historical effects.

Fray Chávez's study of genealogy of New Mexico families in *Origins of New Mexico Families in the Spanish Colonial Period* (Santa Fe: Historical Society of New Mexico, 1954), is an invaluable study for the historian in understanding the system of caste and class in colonial New Mexico, and the racial and cultural origins of the present Hispano and Pueblo population.

The final fifty years of Spanish rule in New Mexico is the subject of Marc Simmons' meticulously documented and insightful, *Spanish Government in New Mexico* (Albuquerque: University of New Mexico Press, 1968). Simmons' study provides a supplement to Scholes' work on the seventeenth century. Simmons revises the notion that the New Mexican elite was as poor and uncouth as Pino suggested in his *Exposición* and which historians have accepted as fact.

An important study of United States government policy toward Spain's and Mexico's northern frontier is a dissertation by R. O. Ulibarri, "American Interest in the Spanish Mexican Southwest, 1803-1848" (University of Utah, 1963). Ulibarri offers evidence of United States imperialist policy in the official correspondence of Thomas Jefferson and other officials. The study is stronger on late Spanish period than Mexican.

The Mexican period has been studied very little, outside the Santa Fe trade which has received thorough treatment by Max Moorhead in *New Mexico's Royal Road: Trade and Travel on the Chihuahua Highway* (Norman: University of Oklahoma Press, 1958). Moorhead traces the trade from colonial times through United States conquest. David Weber's excellent monograph, *The Taos Trappers: The Fur Trade in the Far Southwest, 1540-1846* (Norman: University of Oklahoma Press, 1971) concentrates on the Mexican period providing the best social and economic history of the territory. Lansing B. Bloom's early study "New Mexico Under Mexican Administration, 1821-1846," *Old Santa Fe* 1, no. 1 (July 1913): 31-49; no. 2 (October 1913): 131-175; no. 3

(January 1914): 235-287; no. 4 (April 1914): 347-368; 2, no. 1 (July 1914): 3-56; no. 2 (October 1914): 119-169; no. 3 (January 1915): 223-277; no. 4 (April 1915): 347-380, is dated and erroneous in part, since Bloom did not have access to Mexican documents now available. Ward Allen Minge covers only the final sixteen years of the Mexican period, yet his unpublished dissertation, "Frontier Problems in New Mexico Preceding the Mexican War, 1840-1846" (University of New Mexico, 1965) is an important study of Mexican affairs in relation to the certainty of United States conquest. The study, based on documentary materials from the Mexican archives of New Mexico, revises the prevailing historical view of the New Mexican and Mexican governments.

Marc Simmons' *Little Lion of the Southwest: A Life of Manuel Antonio Chaves* (Chicago: The Swallow Press, 1973), provides an historical background to Chaves' life span, 1818 to 1889, thereby contrasting the colonial, Mexican, and United States territorial periods. The study is a well-documented social history of the New Mexico elite. Chaves, a professional "Indian fighter" who sided with the United States troops and Taos traders in suppressing the popular northern rebellion of 1847, was not representative of the masses of Mexican frontiersmen who lived by agricultural subsistence and barter with the Plains Indians. Simmons' study shows the class division in New Mexico which has prevailed to the present.

Howard Lamar's *The Far Southwest, 1846-1912* (New Haven: Yale University Press, 1966), is a study of the northern provinces under United States territorial rule and is focused on New Mexico. Lamar conceptualizes the conquest and territorial rule as a part of the United States government's policy of internal colonialism which was born with the nation itself. Lamar's analysis of the Santa Fe Ring and territorial politics is particularly useful.

Though no social history of land tenure in New Mexico has been written, a wealth of secondary material dealing with aspects of land tenure and land use exists. Since land has been the primary issue in the area during its entire history, it is remarkable that only two studies, both essays, have been published on the specific subject of land use in New Mexico. Allan Harper, Andrew Cordova, and Kalevo Oberg, employees of a wartime federal agency in New Mexico, published a brief essay in 1943, *Man and Resources in the Middle Rio Grande Valley* (Al-

buquerque: University of New Mexico Press, 1943), tracing the history of land tenure from prehistoric times to 1943. The work contains no references, so it is of limited use for the researcher, and was written for interested citizens. The authors analyze in detail the ecological destruction of the valley wrought by commercial development, and the resulting dispossession of small operators. Another study of land use, *Southwest: Three Peoples in Geographical Change, 1600-1970* (London: Oxford University Press, 1971), by a social geographer, D. W. Meinig, traces the physical changes in the landscape and the population of the larger northern arid area within United States boundaries. The essay provides insights into land use and social relations in northern New Mexico, but is limited for research purposes, having no references to sources; a thorough bibliography is appended.

Pueblo precolonial land use patterns, some of which have survived, blended with practices brought by the settlers, has received limited treatment in the anthropological materials. Richard Ford's "An Ecological Perspective on the Eastern Pueblos," in *New Perspectives on the Pueblos*, ed. Alfonso Ortiz (Albuquerque: University of New Mexico Press, 1972), is useful because it treats the economic basis of Pueblo religious rituals, but there is little discussion of irrigation and its relationship with rituals. There are many studies of precolonial water works in the arid region. Richard Woodbury's "The Hohokam Canals at Pueblo Grande, Arizona," *American Antiquity* 26, no. 3 (October 1960): 267-270, and Pedro Armillas' "Land Use in Pre-Columbian America," in *A History of Land Use in Arid Regions*, ed. L. Dudley Stamp (Paris: UNESCO, 1961), pp. 255-277, are the most useful, both for the precolonial patterns and the climatic and geographic aspects of the land. A useful sociological approach to irrigation practices is "Conflict in the Modern Teotihuacán Irrigation System" *Comparative Studies in Society and History*, no. 6 (1961-62) pp. 2-27, by René Millon, Clara Hall, and May Diaz, providing insight into inter-village and intra-village conflicts in hydraulic cultures.

Though New Mexico was an exceptional province under Spanish colonial rule, Spanish colonial institutions constituted the legal and institutional superstructure, and are particularly important to the seventeenth century. Two classic surveys are useful for comprehending the scope, variety, and

institutions of the Spanish empire: Clarence Haring, *The Spanish Empire in America* (London: Oxford University Press, 1947), and Charles Gibson, *Spain in America* (New York: Harper and Row, 1966). For royal legislation determining land tenure and the theory and application of the body of laws, José María Ots Capdequi's *El regimen de la tierra en la América Española durante el período Colonial* (Madrid: Ciudad Trujillo, 1946), is the most comprehensive and analytical.

The early colonial institution which most affected New Mexico was the encomienda. Lesley Byrd Simpson's *The Encomienda in New Spain: The Beginning of Spanish Mexico* (Berkeley: University of California Press, 1950), is a study of that institution and its ramifications in terms of land tenure and impact on the native people. Another study of the institution by Mexican historian Silvio Arturo Zavala, *De encomienda y propriedad territorial en algunas regiones de la América Española* (Mexico D.F.: Antigua Libreria Robredo, 1940), presents a more extensive analysis of the application of the institution. Neither study specifically deals with New Mexico.

Francois Chevalier, in a classic study of the hacienda in Mexico, *Land and Society in Colonial Mexico: The Great Hacienda* (Berkeley: University of California Press, 1963), originally published in Paris as *La Formation Des Grandes Domaines au Mexique, Terre et Societé Aux XVI^e-XVII^e Siecles* in 1952, shows the relationship of the encomienda to the development of the vast estates, especially in the north. Though not directly connected, the power of the encomendero allowed him to acquire greater lands and labor than was legal. For New Mexico it is important to realize the absence of such estates, related to the interruption of rule by the Pueblo Revolt of 1680. Lesley Byrd Simpson edited Chevalier's English edition, and all references were removed, so the researcher must refer to the French edition.

The villages of northern New Mexico are often likened to the villages of Aragón and Valencia. In order to compare the two, Carmelo Lison-Tolosano's *Belmonte de los Caballeros* (London: Oxford University Press, 1966), a sociological and historical study of Aragonese village is useful. The similarity is apparent, but it appears to be the result of hydraulic agriculture practice in each, and the basic social unit of the patriarchal family, rather than introduction of Spanish village forms in northern New Mexico.

Marc Simmons' "Settlement Patterns and Village Plans in Colonial New Mexico," *Journal of the West* 8, no. 1 (January 1969): 9-21, provides information concerning Governor Juan Bautista de Anza's program and the settlement patterns which resulted, particularly of interest in reference to the genízaro settlements.

Several important studies relate to irrigation practices in northern New Mexico. John Q. Ressler in "Indian and Spanish Water Control on New Spain's Northwest Frontier," *Journal of the West* 7, no. 1 (1968), clarifies the additions made by Spanish customs and technology to the existing indigenous waterworks. Wells A. Hutchins, "The Community Acequia: Its Origins and Development," *Southwest Historical Quarterly* 31 (1927-28): 267-287, is an historical study of the role of the acequia and the mayordomo into the twentieth century. Though published nearly fifty years ago, it remains the only study of the acequia in New Mexico. Marc Simmons' "Spanish Irrigation Practices in New Mexico," *New Mexico Historical Review* 47, no. 2 (April 1972): 135-151, is a more general institutional and historical study of the irrigation system. Richard E. Greenleaf's, "Land and Water in Mexico and New Mexico, 1700-1821," *New Mexico Historical Review* 47, no. 2 (April 1972): 85-113, is disappointing. It does, however, delineate some important land and water laws from the *Recopilación*.

One of the problems in conceptualizing irrigation practices at any given time, or developing an historical perspective, is the customary nature of hydraulic agriculture. Thomas Glick's *Irrigation and Society in Medieval Valencia* (Cambridge: Harvard University Press, 1970), offers an analytical framework for treating hydraulic cultures, providing as well the origins of Spanish irrigation practices, customs, and laws. Glick's 1972 monograph, *The Old World Background of the Irrigation System of San Antonio, Texas*, Southwestern Studies Monograph no. 35 (El Paso: University of Texas Press, 1972), is a disappointing application of the analytical model to America.

Besides hydraulic agriculture, livestock production was the other principal economic pursuit and use of land in colonial New Mexico. It grew in importance with the entrance of capital, becoming the major capital industry of New Mexico. Despite its importance, the livestock industry in northern New Mexico has received little attention from historians. Edward

Norris Wentworth, an agricultural economist, published *American Sheep Trails* (Ames, Iowa: Iowa State College Press, 1948), a valuable study in terms of the customs and history of sheep raising, but is weak and often erroneous in its historical assumptions regarding New Mexico. It is one of the few studies which deals with the partido system of sheep raising, but Wentworth dates the widespread exploitative nature of the contractural arrangement too early, and does not relate its increase and development to the entrance of mercantile capitalism.

William Dusenberry's *Mexican Mesta: Administration of Ranching in Colonial Mexico* (Urbana: University of Illinois Press, 1963), is useful for understanding the customs and laws of the Spanish and Mexican cattle industry, in particular, and the sources of those practices. Particularly informative in terms of use of labor, branding laws, and ecological effects of the industry, it is the only thorough account of those laws and custom. The Mesta organization never developed in New Mexico or any other part of the New World, except interior Mexico, its history on the Iberian peninsula is important, however, for an understanding of the social status associated with owning herds and flocks.

The rise of mercantile capitalism in New Mexico with the opening of the Santa Fe trade to Missouri was the initial factor which brought about the eventual revolution in land tenure in Northern New Mexico. William Parish's *The Charles Ilfeld Company: A Study of the Rise and Decline of Mercantile Capitalism in New Mexico* (Cambridge: Harvard University, 1961), is a study of the sedentary merchant. Parish, a classical economist, in tracing the development of one mercantile capitalist enterprise, reveals the process of capitalization of land and resources and the dispossession of the agricultural producer. His analysis of the role of the partido contract in the process is valuable. In order to translate the analysis of capitalization into a comprehension of its effects on the agricultural producer and land tenure, Karl Marx's critique of capitalist economics, *Capital: A Critique of Political Economy* (1867; reprint ed., New York: International Publishers, 1973), provides the best framework. Erich H. Jacoby's study of the effects of land tenure and colonialism on the subsistent agricultural producer in *Man and Land* (London: Andre Deutch, 1971), is also helpful for understanding the social effects of the economic process of capitalization and the political

solutions sought by the dispossessed agricultural producer in a colonial situation. For a more general concept of the process of capitalism displacing the agricultural producer historically, W. G. Hoskins and L. Dudley Stamp's *The Common Lands of England and Wales* (London: Collins, 1963), supplies the classic situation of the loss of the commons, and is useful for comparison with northern New Mexico. For an historical background to Anglo-American land tenure, Cornelius Moynihan's *Introduction to the Laws of Real Property* (St. Paul: West Publishing, 1962), is a concise, but thorough legal treatise.

Land tenure conflicts and development in northern New Mexico have been well analyzed. The most intensive documentary analysis of Pueblo land tenure has been done by Myra Ellen Jenkins. Unfortunately, Dr. Jenkins has not published a comprehensive study and much of her research and analysis remains unpublished. Three published studies are useful: "Spanish Land Grants in the Tewa Area," *New Mexico Historical Review* 47, no. 2 (April 1972): 113-115; "Taos Pueblo and Its Neighbors," *New Mexico Historical Review* 41, no. 2 (April 1966): 85-115; and "The Balthasar Baca 'Grant': History of an Encroachment," *El Palacio* 68, no. 1 (Spring 1961): 47-64, reprinted under the title "Land Grant Problems," in *New Mexico Past and Present*, ed. Richard Ellis (Albuquerque: University of New Mexico Press, 1971), pp. 96-104. Jenkins' analyzes the dual position of Spanish colonial protection of Pueblo land and continual illegal encroachment by certain consistent offenders. Jenkins' research of the land grant documents and land tenure customs and laws of the Spanish colonial regime is basic to any study of New Mexico land tenure.

The most comprehensive legal history of Pueblo lands is Felix Cohen's *Handbook of Federal Indian Law* (1942; reprint ed., Albuquerque: University of New Mexico Press, 1971). It has been republished but not updated. Similarly Herbert O. Brayer's *Pueblo Indian Land Grants of the "Río Abajo"* (Albuquerque: University of New Mexico Press, 1939), was published in 1939 but remains the classic study of the land tenure and legal position of the Pueblos under the various sovereignties. Brayer explains the unwritten law of the wardship status of the Pueblos under Mexican sovereignty despite their status as citizens, a factor which aided their retention of land. The best analysis of a twentieth-century Pueblo land struggle is Richard Allen Niel-

son's "American Indian Land Claims," *University of Florida Law Review* 2 (Winter 1972): 308-326, in which he analyzes the procedure and implications of the Taos Pueblo Blue Lake case.

In dealing with the Spanish and Mexican land grants and the processes of litigation, the researcher must be selective in choice of resources. The legalistic aspects of the procedures devised for fulfillment of the Treaty of Guadalupe Hidalgo is generally ignored by historians, and the emphasis is on fraud and manipulation. An unpublished study by legal scholar J. J. Bowden provides massive documentation of the land grant settlements in the former Mexican territory. The thesis, "Private Land Claims in the Southwest" (LL.M. thesis, Southern Methodist University, 1969), does not attempt analysis of the documents. Attorney William Keleher's early publication, "Law of the New Mexico Land Grant," *New Mexico Historical Review* 4, no. 4 (October 1929): 350-372, is a useful, though somewhat muddled, legal approach to land grant adjudication. His later study of the Beaubien-Miranda grant, *Maxwell Land Grant: A New Mexico Item* (1942; rev. ed., New York: Argosy Antiquarian, Ltd., 1964) has been superseded by Jim Berry Pearson's *Maxwell Land Grant* (Norman: University of Oklahoma Press, 1961), an excellent study of the estate and its ties with territorial politics. However, historians have emphasized the Maxwell grant excessively, and ignored the smaller community grants of the Río Arriba, which were the main object of acquisition on the part of the land speculators, affecting many more villages. In a perceptive study of rebellion in Colfax and Mora counties during the territorial period, "Mexicano versus Americano: A Study of Hispanic-American Resistance to Anglo-American Control in New Mexico Territory, 1870-1900" (Ph.D. diss., University of Texas, 1972), Robert Rosenbaum shows the organized resistance to land losses on the part of the poor farmers. Rosenbaum finds incipient class consciousness in the resistance movement of Los Gorros Blancos.

The most valuable study of the operations of land speculators is historian Herbert O. Brayer's economic analysis, *William Blackmore: The Spanish Mexican Land Grants of New Mexico and Colorado, 1863-1878* (Denver: Bradford-Robinson Publishers, 1949). Brayer's thorough knowledge of New Mexico history and his facility with handling economic processes relat ng the inter-

national capitalist market to northern New Mexico produces an insightful and informative monograph.

For a detailed analysis of the federal government's role in the perpetuation of fraud in New Mexico by pursuing a laissez-faire policy, Victor Westphall's *The Public Domain in New Mexico, 1854-1891* (Albuquerque: University of New Mexico Press, 1965), is the most comprehensive. The period of land grant settlements under the United States Surveyor General's office was the era of fraud, the time of Thomas Benton Catron. Westphall's direction toward a defense of Catron and the Santa Fe Ring is present in the work, but is spelled out in his recent biography of Catron, *Thomas Benton Catron and His Era* (Tucson: University of Arizona Press, 1973). In addition to Westphall's massive and dependable information, he supplies the dimension often ignored by historians who concentrate on the manipulative and fraudulent actions of individuals. Unfortunately, Westphall simply excuses the individuals and blames the government, not connecting the two elements in any conceptual form.

The Court of Private Land Claims and its historical setting has received little attention from historians or legal scholars. A contemporaneous report by William F. Stone, Chief Justice of the Court of Private Land Claims, "Report on the Court of Private Land Claims," *Santa Fe: Minutes of the New Mexico Bar Association, Eighteenth Annual Session* (Santa Fe, 1904), reflects on the Act of 1891 and its application. In the 1971 publication of the *Land Title Study* (Santa Fe: State Planning Office, 1971), New Mexico attorneys White, Koch, Kelley, and McCarthy compiled invaluable information and provide a concise analysis of the legal history of land tenure in New Mexico, with particular concentration on the north. The study is primarily devoted to present land title problems with programmatic suggestions for their solution; in particular, the analysis of the Court of Private Land Claims is useful. The historical background of each period of sovereignty provides an analysis of institutional forms.

Until the appearance of Olen Leonard's *The Role of the Land Grant in the Social Organization and Social Processes of a Spanish American Village in New Mexico* (Albuquerque: Calvin Horn, 1970), in 1943, little attention had been paid to the nature of the northern Hispano villages and to the effects of the loss of the commons. Leonard's sociological study deals with the small, depopulated village of El Cerrito on the San Miguel del Vado

grant. The study is insightful but limited, containing little historical background. Frances Leon Swadesh, in *Los Primeros Pobladores: Hispanic Americans of the Ute Frontier* (Notre Dame, Indiana: University of Notre Dame Press, 1974), deals in some detail with the genízaro villages, specifically in the area of Abiquiu and the Chama Valley. Based on extensive interviews and archival research, the study is perceptive and historically sound, but confusing in its lack of chronological structure, and it is primarily devoted to an anthropological analysis of kinship and social structure within the villages. The main contribution of the study is its argument and evidence of the independence of the agricultural producers. Swadesh views the frontier villagers as entrepreneurial, more comparable to the Anglo-American frontier farmer than the Mexican peon, but unique in the communal patterns perpetuated by the sharing of the commons, the acequia, and the Penitente brotherhood.

An interest has been stimulated in the past decade in relation to the northern Mexican villages. Two articles by Clark Knowlton are of particular importance: "Land Grant Problems Among the State's Spanish Americans," *New Mexico Business* 20, no. 6 (June 1967): 1-13, and "One Approach to the Economic and Social Problems of Northern New Mexico," *New Mexico Business* 17, no. 9 (September 1964): 3, 15-20. Knowlton's approach is one of cultural dichotomy, "Anglo versus Hispano."

Thomas Maloney in "Recent Demographic and Economic Changes in Northern New Mexico," *New Mexico Business* 17, no. 9 (September 1964): 2-14, takes issue with Knowlton, and provides a better economic framework for the land tenure issue in the north. Clyde Eastman's study, "Contrasting Attitudes Toward Land in New Mexico," *New Mexico Business* (January 1971): 3-20, is based on interviews revealing the attitude of use-value as opposed to exchange-value of land as a class differentiation rather than a strict Hispano-Anglo cultural split. For a survey of the recent land grant movement in northern New Mexico, its leadership and membership, Patricia Blawis' *Tijerina and the Land Grants* (New York: International Publishers, 1971), is a journalistic but useful account of the Alianza movement.

Several important studies of land tenure and land use in northern New Mexico have not been published. The most valuable in terms of analysis of the legal issues surrounding the

Treaty, and the land grant settlements, is a collection of papers from a 1972-1973 law seminar at the University of New Mexico School of Law directed by Theodore Parnell, entitled "Land, Law, and La Raza." Though deficient in historical analysis, the legal materials are a useful compilation. An unpublished study by Lester Robbins entitled "Land Grants and Agriculture in the Taos Valley" is an historical (documentary and oral) account of land tenure, showing the impact of the loss of the commons and commercialism on the subsistent farmer.

Anthropologist John R. Van Ness has presented two valuable papers to professional associations. "Land Tenure Economic Transformation Conflict and Accommodation: An Ethnohistorical Study of a New Mexican and Its Land" (paper presented at the Annual Meeting of the Society for Applied Anthropology, Tucson, April 12, 1973), and "Spanish American v. Anglo Land Tenure and the Study of Economic Change in New Mexico" (Sixteenth Annual Conference of the Rocky Mountain Social Science Association, El Paso, April 26, 1974), provide insights into the structure of the northern villages and attitudes toward land. Van Ness develops the Knowlton thesis of Anglo-Hispano differences in regard to land tenure and land use.

Finally no adequate study of the history of land tenure in northern New Mexico can be accomplished without direct contact with the people of the area and the scholars whose published works do not reveal the full extent of their knowledge and insight into the land tenure issue. In particular Dr. Myra Ellen Jenkins, the State Archivist, Dr. Frances Swadesh of the Museum of New Mexico, and Mr. Phil Lovato of Taos, are helpful. The attorneys and members of La Cooperativa Agrícola del Pueblo de Tierra Amarilla and members of the Alianza and Pueblo leaders provide invaluable historical and sociological information for the land tenure historian.

Bibliographies and Guides to Materials

There are few bibliographies on New Mexico history which provide guidance as to the quality of the works or usefulness of the sources. The most inclusive published bibliography is Frances Swadesh's *20,000 Years of History: A New Mexico Bibliography* (Santa Fe: Sunstone Press, 1973). The annotated com-

pilation is complete and well indexed, but does not include archival and unpublished materials.

For a guide to archival materials, Herbert Bolton's *Guide to Materials for the History of the United States in the Principal Archives of Mexico*, Publication no. 163 (Washington, D.C.: Carnegie Institute, 1913), is useful. Another guide to archives is Charles E. Chapman's *Catalogue of Materials in the Archivo General de Indias for the History of the Pacific Coast and the American Southwest*, vol. 8 (Berkeley: University of California Publication in History, 1919). An additional aid is France V. Scholes' "Manuscripts for the History of New Mexico in the National Library of Mexico City," *New Mexico Historical Review* 3, no. 3 (July 1928): 301-325. Fray Angélico Chávez's *Archives of the Archdiocese of Santa Fe, 1678-1900* (Washington, D.C.: Academy of American Franciscan History, 1957), is important to any research on the church in New Mexico.

Mary Lucille Moore's publication, *A Guide to New Mexico Theses and Dissertations* (Tucson: Arizona and the West Publication, 1970), is a valuable aid to research in the social history of northern New Mexico because much of the best material has not been published. For the history of the Mexican period, Jack D. Rittenhous' *The Santa Fe Trail: A Historical Bibliography* (Albuquerque: University of New Mexico Press, 1971), is useful. The titles are annotated, and an index of United States congressional documents is included. Howard Lamar's bibliographical notes in *The Far Southwest, 1846-1912* (New Haven: Yale University Press, 1966), provides the best analysis of sources for the territorial period. The Jenkins' guides to the Mexican and Spanish Archives and the Diaz guide to land grant materials, both cited above with archival materials, are important aids to land tenure research.

There is no published bibliography dealing specifically with the Pueblos, but Catherine Fowler's *Annotated Bibliography of Great Basin Anthropology*, S-H Publications, no. 4 (Reno: Desert Research Institute, University of Nevada Press, 1970), provides an extensive listing of sources for Pueblo prehistory. The most extensive listing of sources, historical and anthropological, including archival and secondary materials, is the bibliography in Alfonso Ortiz, ed., *New Perspectives on the Pueblos* (Albuquerque: University of New Mexico Press, 1972).

Numerous research articles on New Mexico history have been published in the journal *Aztlán: International Journal of Chicano Studies Research,* from the Chicano Studies Research Center Publications, UCLA. Particularly valuable is Antonio Ríos-Bustamante's "A Contribution to the Historiography of the Greater Mexican North in the Eighteenth Century," *Aztlán* 7, no. 3 (Fall 1976): 347-56.

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